

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

1 (Pages 1 to 4)

<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION 4 MARC VEASEY, et al.,) 5 Plaintiff,) 6 VS.) CIVIL ACTION NUMBER: 7 RICK PERRY, et al.,) 2:13-CV-193 (NGR) 8 Defendants.) 9 UNITED STATES OF AMERICA,) 10 Plaintiff,) 11 VS.) CIVIL ACTION NUMBER: 12 TEXAS LEAGUE OF YOUNG VOTERS) 2:13-CV-263 (NGR) 13 EDUCATION FUND, et al.,) 14 Plaintiff-Intervenors,) 15 TEXAS ASSOCIATION OF HISPANIC) 16 COUNTY JUDGES AND COUNTY) 17 COMMISSIONERS, et al.,) 18 Plaintiff-Intervenors,) 19 VS.) 20 STATE OF TEXAS, et al.,) 21 Defendants.) 22 TEXAS STATE CONFERENCE OF) 23 NAACP BRANCHES, et al.,) 24 Plaintiffs,) CIVIL ACTION NUMBER: 25 VS.) 2:13-CV-291(NGR) 26 NANDITA BERRY, et al.,) 27 Defendants.)</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S 2 FOR THE UNITED STATES OF AMERICA: 3 Jennifer Maranzano 4 U.S. JUSTICE DEPARTMENT 5 CIVIL RIGHTS DIVISION 6 Room 7254 NWB 7 950 Pennsylvania Avenue, N.W. 8 Washington, D.C. 20530 9 (202) 514-0828 10 jennifer.maranzano@usdoj.gov 11 12 FOR THE NAMED DEFENDANTS AND THE WITNESS: 13 John Scott 14 Assistant Deputy Attorney General 15 ATTORNEY GENERAL OF TEXAS 16 P.O. Box 12548 17 Austin, TX 78711-2548 18 (512) 475-3281 19 john.scott@texasattorneygeneral.gov 20 21 Rowe Jackson 22 General Counsel 23 Texas Secretary of State's Office 24 25</p>
<p style="text-align: right;">2</p> <p>1 BELINDA ORTIZ, et al.,) 2 Plaintiffs,) 3 VS.) CIVIL ACTION NUMBER: 4 STATE OF TEXAS, et al.,) 2:13-CV-348(NGR) 5 Defendants.) 6 7 8 ***** 9 DEPOSITION OF 10 COBY SHORTER, III 11 AUGUST 12, 2014 12 ***** 13 HIGHLY CONFIDENTIAL 14 ORAL DEPOSITION OF COBY SHORTER, III, produced as a 15 witness at the instance of the Plaintiff, was duly 16 sworn, was taken in the above-styled and numbered cause 17 on the AUGUST 12, 2014 from 9:05 a.m. to 2:01 p.m., 18 before Chris Carpenter, CSR, in and for the State of 19 Texas, reported by machine shorthand, at the Office of 20 the Attorney General, 209 West 14th Street, Austin, TX 21 78701, pursuant to the Federal Rules of Civil Procedure 22 and the provisions stated on the record or attached 23 hereto. 24 25</p>	<p style="text-align: right;">4</p> <p>1 INDEX 2 Appearances.....2 3 COBY SHORTER, III 4 Examination by Ms. Maranzano.....6 5 Signature and Changes.....192 6 Reporter's Certificate.....193 7 8 EXHIBITS 9 10 NO. DESCRIPTION PAGE MARKED 11 1 SB 362 as Introduced in the Senate 31 12 2 Excerpt from Committee of the Whole 34 13 Transcript, March 10, 2009 14 3 Excerpt from Senate Journal, March 18, 2009 35 15 4 SB 14 46 16 5 FAQs - Implementation of SB 14 50 17 6 January 24, 2011 e-mail 55 18 7 Excerpt from Committee of the Whole 69 19 Transcript, Jan. 25, 2011 20 21 8 E-mail chain 75 22 23 9 E-Mail, Feb. 25, 2011 and Attachments 93 24 25 10 Excerpt of Texas House of Representatives 98 Select Committee on Voter Identification and Voter Fraud Hearing Transcript, March 1 2011 21 E-Mail, April 8, 2011 102 22 E-Mail, April 20, 2011 105 23 Memorandum of Understanding 118 24 E-Mail, Oct. 16, 2013 and Attachment 128 25</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

2 (Pages 5 to 8)

<p style="text-align: right;">5</p> <p>1 15 E-Mail 9/26/2013 134</p> <p>2 16 E-Mail, 9/27/2013 137</p> <p>3 17 E-Mail, 2/10/2014 143</p> <p>4 18 E-Mail Chain, 6/28/2013 150</p> <p>5 19 September 30, 2013 e-mail 150</p> <p>6 20 July 12, 2013 e-mail 156</p> <p>7 21 EIC Dashboard 164</p> <p>8 22 9/18/2013 e-mail 185</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">7</p> <p>1 Q. Have you talked to anyone who has been deposed</p> <p>2 in this case about their deposition?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Did you have any discussions about your</p> <p>5 deposition with Mr. Ingram?</p> <p>6 A. Mr. Ingram in our office? No, ma'am.</p> <p>7 Q. With Ms. McGeehan?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Have you read any trial testimony from Texas V.</p> <p>10 Holder?</p> <p>11 A. From who?</p> <p>12 Q. Texas versus Holder?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Are you employed, Mr. Shorter?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Where are you employed?</p> <p>17 A. I'm primarily employed at the Secretary of</p> <p>18 State's Office.</p> <p>19 Q. And what's your position there?</p> <p>20 A. I am the Deputy Secretary of State.</p> <p>21 Q. And do you have other positions?</p> <p>22 A. I'm a minister.</p> <p>23 Q. Have you held other positions for the State of</p> <p>24 Texas?</p> <p>25 A. Yes, ma'am.</p>
<p style="text-align: right;">6</p> <p>1 COBY SHORTER, III</p> <p>2 having been first duly sworn to testify the truth, the</p> <p>3 whole truth, and nothing but the truth, testified as</p> <p>4 follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. MARANZANO:</p> <p>7 Q. Good morning.</p> <p>8 A. Good morning.</p> <p>9 Q. My name is Jennifer Maranzano. I'm</p> <p>10 representing the United States in this matter. Can you</p> <p>11 please state your name for the record?</p> <p>12 A. My name is Coby Shorter, III.</p> <p>13 Q. Mr. Shorter, do you understand you've been</p> <p>14 placed under oath today?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Is there any reason why you cannot testify</p> <p>17 truthfully, accurately and completely today?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Thank you. Have you discussed your testimony</p> <p>20 with anybody, your testimony in this deposition?</p> <p>21 MR. SCOTT: Preparation, you mean?</p> <p>22 Q. (By Ms. Maranzano) No. Apart from your</p> <p>23 lawyers, have you discussed the fact that you are being</p> <p>24 deposed with anybody?</p> <p>25 A. No, no, ma'am.</p>	<p style="text-align: right;">8</p> <p>1 Q. What positions?</p> <p>2 A. Hmm, I've worked at the Department of</p> <p>3 Agriculture doing economic development work. That goes</p> <p>4 back. Let's see. I've worked in the Office of the</p> <p>5 Governor as director of agriculture and environmental</p> <p>6 policy or agriculture and conservation. That was during</p> <p>7 the Bush administration. I have worked as the Deputy</p> <p>8 Director of -- Deputy Director of Governmental</p> <p>9 Appointments in the Office of the Governor, Governor</p> <p>10 Perry. And I've served here as Deputy Secretary since</p> <p>11 2007.</p> <p>12 Q. Is your position with the Secretary of State an</p> <p>13 appointed position?</p> <p>14 A. It is appointed by the Secretary of State.</p> <p>15 Q. And which Secretary of State appointed you?</p> <p>16 A. I was initially appointed by Secretary Phil</p> <p>17 Wilson, and I have served -- he was the initial</p> <p>18 appointment.</p> <p>19 Q. Do you -- do you get reappointed each time</p> <p>20 there's a new Secretary?</p> <p>21 A. The Secretary decides who'll be the deputy, and</p> <p>22 they've -- each one since him has asked me to continue</p> <p>23 to serve.</p> <p>24 Q. I see. Prior to be appointing Deputy Secretary</p> <p>25 of State, did you have any background in election</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

3 (Pages 9 to 12)

<p style="text-align: right;">9</p> <p>1 administration or election policy?</p> <p>2 A. What do you mean specifically?</p> <p>3 Q. Have you done any work related to elections or</p> <p>4 administering elections?</p> <p>5 A. No, ma'am. Are you referring specifically like</p> <p>6 to election work or -- or --</p> <p>7 Q. Yeah, I mean -- I mean, planning elections,</p> <p>8 running elections, being involved in overseeing</p> <p>9 elections.</p> <p>10 A. From a governmental perspective?</p> <p>11 Q. From any perspective.</p> <p>12 A. Well, I mean, I have -- I've participated in</p> <p>13 electoral process, but in terms of working administering</p> <p>14 elections, like I do -- well, like the Office of the</p> <p>15 Secretary of State's Office does, no, ma'am.</p> <p>16 Q. Okay. Have you been involved in campaigns?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. And what other -- what other work have</p> <p>19 you been involved in when you say you've been involved</p> <p>20 in the electoral process?</p> <p>21 A. Well, my initial job, the one that I forgot</p> <p>22 about since I -- before I came to Austin, I worked for</p> <p>23 U.S. Senator Phil Gramm, and I worked on his campaign</p> <p>24 staff.</p> <p>25 Q. Okay. Any other --</p>	<p style="text-align: right;">11</p> <p>1 somewhere down the road. I can't specifically remember</p> <p>2 a specific active course, no, ma'am.</p> <p>3 Q. A computer science course somewhere in your</p> <p>4 education --</p> <p>5 A. Going to high school or something like that. I</p> <p>6 don't -- as an ag economics major, I don't recall -- and</p> <p>7 it's been 20-plus years ago, I don't recall a specific</p> <p>8 computer IT course. I don't have an IT background.</p> <p>9 Q. Okay. I understand. The Secretary of State is</p> <p>10 the chief elections officer for the state, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And you're the second in charge after the</p> <p>13 Secretary of State?</p> <p>14 A. I'm -- yes, I am.</p> <p>15 Q. What are your specific responsibilities with</p> <p>16 regard to elections in Texas?</p> <p>17 A. Well, my specific responsibilities are to make</p> <p>18 sure that the elections director and the division have</p> <p>19 the resources that they need to do their job.</p> <p>20 Q. Do you -- do you mean monetary resources?</p> <p>21 A. Monetary resources, computers, make sure --</p> <p>22 office space, personnel. I do operations, mainly</p> <p>23 operations work within the agency.</p> <p>24 Q. Do you primarily with regard to elections</p> <p>25 oversee the director of elections?</p>
<p style="text-align: right;">10</p> <p>1 A. That was prior to coming to -- that was prior</p> <p>2 to coming to Austin. I had forgotten about that.</p> <p>3 Q. Okay.</p> <p>4 A. That was between my first job, and that was my</p> <p>5 second job.</p> <p>6 Q. Have you worked on any other campaigns?</p> <p>7 A. Worked? When you say worked, like?</p> <p>8 Q. Worked in any capacity, volunteered, been</p> <p>9 involved in?</p> <p>10 A. Well, I volunteered.</p> <p>11 Q. And what campaigns are those?</p> <p>12 A. I volunteered for the Governor when he was</p> <p>13 running for agriculture commissioner and -- and</p> <p>14 Governor.</p> <p>15 Q. Have you ever served as a poll worker?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Can you briefly describe your educational</p> <p>18 background?</p> <p>19 A. Yes, ma'am. I have a bachelor's of science</p> <p>20 from Texas A&M University. I graduated in 1989, and I</p> <p>21 have a master's of art from and Christian leadership</p> <p>22 studies from Liberty University Seminary.</p> <p>23 Q. Do you have any coursework or experience in IT</p> <p>24 issues?</p> <p>25 A. No more than probably a computer science course</p>	<p style="text-align: right;">12</p> <p>1 A. What do you mean by primarily?</p> <p>2 Q. Well, you said your -- I think you said your</p> <p>3 main job with regard to elections was making sure the</p> <p>4 director of elections had appropriate resources. So are</p> <p>5 you involved mostly at the level of overseeing the</p> <p>6 director of elections?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. How closely do you work with the</p> <p>9 Secretary of State on his responsibilities?</p> <p>10 A. Well, I'm -- I work very closely with the</p> <p>11 Secretary of State. The Secretary of State does not</p> <p>12 work exclusively with me. The Secretary does have</p> <p>13 access to visit with the division directors his or</p> <p>14 herself.</p> <p>15 Q. And does the director of elections report</p> <p>16 directly to you?</p> <p>17 A. Yes.</p> <p>18 Q. Does the elections director administer any</p> <p>19 programs directly related to voters?</p> <p>20 A. Well, the Secretary -- the director of</p> <p>21 elections, the elections division within our agency is</p> <p>22 the one that works with the counties to uniformly apply</p> <p>23 elections in the state of Texas.</p> <p>24 Q. Does the elections director do any work like</p> <p>25 voter registration drives or outreach to military and</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

4 (Pages 13 to 16)

<p style="text-align: right;">13</p> <p>1 oversees voters or other programs that are directly 2 working with voters in the state? 3 A. Well, when you -- I'm -- I'm really not 4 understanding your -- your question. Could you ask me 5 again? 6 Q. Sure. Sure. Let me see if I can clarify. Are 7 there programs that the elections director works on that 8 are -- that are geared towards working directly with the 9 Texas voters such as conducting voter registration 10 drives or other activities like that? 11 A. Well, the elections director himself does not 12 put those type of activities on. We are, as an agency, 13 we are aware of those type of activities that go on, but 14 in terms of the office actually putting on a voter 15 registration drive from the Secretary of State's Office, 16 I'm not aware of that happening. Because we have such a 17 close working relationship with those individuals that 18 do those things, we are aware when those -- when those 19 type of activities happen. 20 Q. I see, but those -- when you say you have such 21 a close relationship with the individuals who do those 22 things, those are not individuals in your office, 23 correct? 24 A. Correct. 25 Q. Okay.</p>	<p style="text-align: right;">15</p> <p>1 A. Well, most of the people that contact our 2 office about elections-related issues contact the actual 3 elections division. If the elections division feels 4 that it's something that I need to be made aware of, 5 they share it with me, but most of the contact is 6 through the process that the elections division itself 7 has in place on how they interact with the counties and 8 different groups. 9 Q. Okay. So the feedback that you're getting 10 mostly comes through the elections division? 11 A. Yes, ma'am, unless someone decides to provide 12 it individually, and that's very rare. 13 Q. Okay. Individually, you mean to you? 14 A. Correct. 15 Q. Okay. Do you have a role in appointing others 16 in the Secretary of State's Office? 17 A. Appointing in terms of hiring employees? 18 Q. Uh-huh. 19 A. Yes, ma'am. 20 Q. And what is that role? 21 A. Any individual who is hired within the 22 Secretary of State's Office, once the division itself 23 has made a selection, I'm the individual who signs the 24 paperwork for the executive division on that individual 25 being hired, based on the recommendation from the</p>
<p style="text-align: right;">14</p> <p>1 A. Or a relationship. I -- it's probably not -- I 2 can't say whether -- we know who those people are. 3 Q. What steps, if any, do you take to ensure that 4 the elections programs are being run effectively in your 5 office? 6 A. I periodically meet with the director of 7 elections, as well as other division heads, for them to 8 keep me apprised of what's going on in their respective 9 divisions. 10 Q. And how do you measure success of 11 election-related programs? 12 A. Well, feedback from the staff, feedback from 13 the Legislature, feedback from constituents, and making 14 sure that the overall process that is in place for 15 elections in the state of Texas is successful. You 16 know, we get through an election cycle and everything, 17 all the votes are counted, all of the issues are 18 addressed, and we prepare for the next election, making 19 sure that the staff has the resources to do that. 20 Q. How do you tend to get feedback from 21 constituents, legislators, staff? 22 A. Well, what do you mean? 23 Q. Do you -- do you have any sort of formal 24 process by which you solicit feedback or is it more 25 people might contact you and let you know and --</p>	<p style="text-align: right;">16</p> <p>1 division. 2 Q. And the division you're talking about, is the 3 elections division? 4 A. The elections division or any division. 5 Q. I see. Okay. Were you involved in hiring 6 Mr. Ingram or appointing Mr. Ingram to be the director 7 of elections? 8 A. Yes, ma'am. 9 Q. And what was your role in that? 10 A. My role was interviewing, assisting with the 11 interviewing and providing information to the Secretary 12 so that a final decision could be made. 13 Q. What -- what were -- well, did you ask 14 Mr. Ingram to apply for that position? 15 A. I don't recall asking him. I think there were 16 several people that were -- that he was -- there were 17 several people that were interested in the position. 18 It's been a while since he actually applied, but I knew 19 he had an interest in the -- in the subject area. 20 Q. Uh-huh. 21 A. And I can't recall if I actually asked him, 22 asked him to apply, but when he -- when he applied for 23 the -- when he expressed his interest, we made sure that 24 he was able to visit with the actual Secretary so that a 25 decision could be made.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

5 (Pages 17 to 20)

<p style="text-align: right;">17</p> <p>1 Q. Who made sure he was able to visit with the 2 actual Secretary? Did you say we made sure he was able? 3 A. When I say we, myself. 4 Q. Okay. 5 A. The secretary who does scheduling, we made sure 6 that he was able to visit with the Secretary as -- as 7 with other candidates. 8 Q. Okay. What were the qualifications about -- 9 what were the qualifications that Mr. Ingram possessed 10 that led you to believe he would be a good director of 11 elections? 12 A. Hmm, like I say, it's been a while ago, but he 13 seemed to have a good understanding of -- of -- good 14 experience as an attorney. We felt that, based on the 15 individual who had served before, having a legal 16 background was important. And seemed to have a passion 17 for election-related ideas and activities. Seemed to 18 really grasp the concepts of election law. Not saying 19 that he was an expert at that time, but he understood -- 20 he appeared to understand how to work through election 21 law enough to understand if I don't know it now, I know 22 how to -- I know how to become a quick study. Well, he 23 was a quick study. 24 Q. Do you recall if prior to his role as director 25 of elections he had a background in election</p>	<p style="text-align: right;">19</p> <p>1 A. What do you mean by technical fixes? 2 Q. If there's something in the law that doesn't 3 quite work when you administer elections, do you suggest 4 to the Legislature that they change sort of, not a 5 substantive change, but more of a technical change? 6 A. I don't within the agency, but our staff works 7 with the Legislature on technical issues if there's a 8 need for a technical change. 9 Q. And would that staff be the direct -- the 10 people within the elections division? 11 A. Yes, ma'am. 12 Q. Primarily? 13 A. (Witness nods head yes.) 14 Q. If a legislator intends to introduce an 15 election-related bill, does that person usually confer 16 with your office? 17 A. At -- probably at some point, I'm not really 18 sure where that -- where in the process, because they 19 don't deal directly with me. 20 Q. Do they do that primarily with the director of 21 elections? 22 A. I would say primarily and with our legal 23 counsel in our office. 24 Q. Do you -- do you know what that conferring is 25 generally about? I know you just said you don't usually</p>
<p style="text-align: right;">18</p> <p>1 administration or election policy or he had done 2 election-related work? 3 A. Well, I don't recall the specific things that 4 he had. 5 Q. Uh-huh. 6 A. I knew that he had an interest in election 7 policy. 8 Q. Do you recall if he had any experience or 9 education in IT? 10 A. I don't recall if he had experience in IT. 11 Q. Okay. What, if any, is your role in the 12 development of election-related legislation? 13 A. My role? 14 Q. Uh-huh. 15 A. Little to none. 16 Q. What is the role of the Secretary of State's 17 Office? 18 A. We are -- the Secretary of State's Office as it 19 relates to legislation for Texas, for the Texas 20 legislation? 21 Q. Yes, but election-related? 22 A. Election-related? We are a resource. We are a 23 resource to the Legislature. 24 Q. Do you -- do you also suggest technical fixes 25 to the election code or to laws related to elections?</p>	<p style="text-align: right;">20</p> <p>1 do it yourself. Do you have conversations as to what 2 usually happens during that conferral, like with whether 3 it's about implementing the bill, if the bill -- well, 4 let me just ask you first: Do you -- do you have any 5 knowledge of what happens substantively during those 6 conferrals? 7 A. No, ma'am, unless the staff comes and shares it 8 with me. I mean, they meet. I have the confidence in 9 the staff that they have been doing this for a long 10 time, and if it's something that rises to the level that 11 the Secretary needs to know about it, they'll share it 12 with me. But you know, technical issues and other 13 things, they -- they are professional enough, and we 14 have that type of confidence in them as a staff that 15 they can deal with the Legislature on those issues. 16 Q. I guess what I'm wondering is do legislators 17 often confer with the -- with the Office of the 18 Secretary of State about how to implement a bill, would 19 that be one of the things that they're conferring about, 20 an elections-related bill? 21 A. When you say how to implement? 22 Q. In terms of after the bill is passed, how the 23 Secretary of State would go about implementing it, 24 putting it into action? 25 A. I'm quite sure those -- those conversations are</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

6 (Pages 21 to 24)

<p style="text-align: right;">21</p> <p>1 had.</p> <p>2 Q. Do legislators also talk to the Office of the</p> <p>3 Secretary of State about whether the bill conflicts with</p> <p>4 any other election regulations or election laws?</p> <p>5 MR. SCOTT: Objection, form, speculation,</p> <p>6 vague. You can answer.</p> <p>7 Q. (By Ms. Maranzano) You can answer if you know.</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Is there one Senate committee that --</p> <p>10 that your office works closely with on election-related</p> <p>11 bills?</p> <p>12 A. I think most of the -- on the Senate side?</p> <p>13 Q. Uh-huh.</p> <p>14 A. I think most of the Senate bills go through</p> <p>15 State Affairs.</p> <p>16 Q. Do you know who on that committee you usually</p> <p>17 interact with?</p> <p>18 A. Who I interact with?</p> <p>19 MR. SCOTT: Objection, form, vague,</p> <p>20 time. You can answer.</p> <p>21 Q. (By Ms. Maranzano) The name of the committee</p> <p>22 staff.</p> <p>23 A. I don't know.</p> <p>24 Q. You don't have interactions yourself?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">23</p> <p>1 make. It would be a determination that the ones doing</p> <p>2 this whatever research would, whether or not what they</p> <p>3 found needed to be shared with someone.</p> <p>4 Q. And in terms of since we're talking about</p> <p>5 legislation, would this be if the Secretary of State's</p> <p>6 Office conducted research on proposed legislation, would</p> <p>7 they share it with the Legislature?</p> <p>8 MR. SCOTT: Objection, form, vague.</p> <p>9 A. I mean, I --</p> <p>10 Q. (By Ms. Maranzano) Do you not have personal</p> <p>11 knowledge of what I'm asking?</p> <p>12 A. Not -- not extensively, no, ma'am. I'm really</p> <p>13 not understanding --</p> <p>14 Q. Okay.</p> <p>15 A. -- what you're asking.</p> <p>16 Q. Okay. Do you monitor the Legislature's</p> <p>17 deliberation on -- deliberations on election-related</p> <p>18 laws?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Do you testify on some of the election-related</p> <p>21 bills?</p> <p>22 A. I have had to testify only one time.</p> <p>23 Q. And what were the circumstances of that time?</p> <p>24 A. The circumstances were, I think it was back in</p> <p>25 2009, there was a Senate Committee of the Whole, which</p>
<p style="text-align: right;">22</p> <p>1 Q. Is there a committee on the House that your</p> <p>2 office usually works with on election-related bills?</p> <p>3 A. House elections.</p> <p>4 Q. Does the Secretary of State's Office ever</p> <p>5 conduct research on proposed legislation related to</p> <p>6 elections on its own initiative?</p> <p>7 A. What type of research?</p> <p>8 Q. Any type of research?</p> <p>9 MR. SCOTT: Objection, form.</p> <p>10 A. I would have to defer to the elections director</p> <p>11 on what type of research he does.</p> <p>12 Q. (By Ms. Maranzano) Is it your understanding</p> <p>13 that at times there is research done on proposed</p> <p>14 legislation of the Secretary of State's own initiative,</p> <p>15 not in response to a request but --</p> <p>16 A. Well, our elections staff worked to be informed</p> <p>17 on the issues.</p> <p>18 Q. And would that research be shared with anybody?</p> <p>19 A. I guess if they deem a need for it to be</p> <p>20 shared.</p> <p>21 Q. How would you determine if it needed to be</p> <p>22 shared?</p> <p>23 A. How would I determine?</p> <p>24 Q. Uh-huh.</p> <p>25 A. It wouldn't be a determination that I would</p>	<p style="text-align: right;">24</p> <p>1 all the Senators were there, and the request was for the</p> <p>2 Secretary to testify, and the Secretary was not</p> <p>3 available to serve as the resource witness, so in the</p> <p>4 Secretary's absence, I had to serve as the resource</p> <p>5 witness.</p> <p>6 Q. When your office testifies, either you or the</p> <p>7 director of elections or the Secretary, do you always</p> <p>8 testify as resource witnesses?</p> <p>9 MR. SCOTT: Objection, form.</p> <p>10 A. Yes.</p> <p>11 Q. (By Ms. Maranzano) What is a resource witness?</p> <p>12 A. We provide -- we provide information as asked.</p> <p>13 Q. Do you -- do you believe it's important for the</p> <p>14 public to have information about the impact of a bill</p> <p>15 when that bill is pending?</p> <p>16 MR. SCOTT: Objection, form, vague.</p> <p>17 Q. (By Ms. Maranzano) Do you understand?</p> <p>18 A. Not really. I mean --</p> <p>19 Q. If a -- if a piece of legislation is pending in</p> <p>20 the Legislature, do you think it's important for the</p> <p>21 public to have information about the possible impact of</p> <p>22 that bill?</p> <p>23 MR. SCOTT: Objection, form. I think it's</p> <p>24 argumentative. It assumes facts -- assumes facts and</p> <p>25 vague. You can answer if you can.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

7 (Pages 25 to 28)

<p style="text-align: right;">25</p> <p>1 A. Whatever the -- I think an agency should give 2 the best information they can. 3 Q. (By Ms. Maranzano) Do you believe that the 4 best available analysis of the impact of legislation 5 should be made public? 6 MR. SCOTT: Objection, form, assumes 7 facts, vague and argumentative. Go ahead. 8 A. Say it again. 9 Q. (By Ms. Maranzano) Do you believe that the 10 best available analysis of the impact of legislation 11 should be made public? 12 MR. SCOTT: Same objection. Plus 13 speculation. 14 A. I mean, I -- if you have -- I -- that's what 15 we've always tried to do. 16 Q. (By Ms. Maranzano) Before Texas started to 17 enforce SB 14, was there a method for determining a 18 voter's identity at the polls? 19 A. Well, you had your voter registration card or 20 if you didn't use it, you could use your -- your -- I 21 mean, your other forms of ID like your driver's license 22 to actually vote. 23 Q. And before Texas started to enforce SB 14, if a 24 voter appeared without a voter registration card or one 25 of the other forms of ID, could the voter nevertheless</p>	<p style="text-align: right;">27</p> <p>1 that true? 2 A. Yes. 3 Q. Is there any particular hotline that gets run 4 on election days if voters are having a problem? 5 A. Well, it's that same 800 number, if I 6 understand -- if I remember correctly, but there are -- 7 it's manned by multiple individuals. 8 Q. Do you know how many calls or approximately how 9 many calls came in during the 2013 election? 10 A. No, ma'am, I don't. 11 Q. Have you had any discussions with counties 12 about whether or not they run voter hotlines on election 13 days? 14 A. None that I can recall. 15 Q. Do you have any awareness of whether counties 16 run hotlines on election days? 17 A. Well, the counties -- counties do share with 18 our office various issues that come up on election 19 days. The actual systems that the counties have in 20 place, I'm not personally aware of them, but there is -- 21 there is some type of mechanism. I don't know 22 specifically what it is. 23 Q. When voters have -- have problems or run into 24 issues on election day, are they most likely to usually 25 contact their county election official?</p>
<p style="text-align: right;">26</p> <p>1 cast a ballot? 2 A. Probably provisionally. 3 Q. Do you know what -- in what circumstances that 4 provisional ballot would be counted? 5 A. Ma'am, I would have to defer to the elections 6 staff to tell you that. 7 Q. Okay. Are you aware of any problems with that 8 system prior to the enforcement of SB 14? 9 A. I would have to -- 10 MR. SCOTT: Objection, form, overly broad. 11 A. Election staff would have to share that with 12 you. 13 Q. (By Ms. Maranzano) Does the Secretary of State 14 run a voter hotline? 15 A. We have -- I wouldn't actually call it a -- I 16 don't know if you call it a hotline. We have an 800 17 number where voters can call to get questions answered. 18 Q. Did you -- did you run that hotline during the 19 2013 election? 20 MR. SCOTT: Objection, form, vague. 21 A. The -- what do you mean, did I personally run 22 it? 23 Q. (By Ms. Maranzano) No, I'm sorry, your office. 24 A. Well, the 800 number has been available. 25 Q. So the 800 number is available regularly; is</p>	<p style="text-align: right;">28</p> <p>1 A. I -- I don't know. 2 Q. It's certainly possible that voters have 3 problems on election day and don't contact the office of 4 the Secretary of State, right? 5 A. I don't know that either, ma'am. 6 Q. Are you familiar with the concept of a Spanish 7 surname analysis? 8 A. Yes, ma'am. 9 Q. What is that? 10 A. It's data that's provided to our office that 11 gives names by the Hispanic surnames. 12 Q. And is that data compiled by the -- the U.S. 13 census bureau? 14 A. I can't remember the exact agency that provides 15 it to us, but it is provided to us by some outside 16 agency. 17 Q. Okay. And have you ever used that list and 18 compared it against the list of registered voters as a 19 proxy for determining the number of registered voters 20 who are Hispanic? 21 A. Well, I know our office has looked and that, 22 but we also looked at the fact that the Hispanic surname 23 in itself is not a good indicator of -- of an ethnicity. 24 Q. And why is it not a good indicator of 25 ethnicity?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

8 (Pages 29 to 32)

<p style="text-align: right;">29</p> <p>1 A. There are cases in the state of Texas where 2 individuals have Hispanic surnames and they're not 3 actually Hispanic. 4 Q. Are you familiar with a list of omission and a 5 list of commission that goes along with the list of 6 Spanish surnames? 7 A. No, ma'am. 8 Q. So you -- you haven't used the omission and 9 commission rates when you've done the -- 10 A. I don't know what the process has been itself 11 within our office. 12 Q. Okay. 13 A. Directly. 14 Q. How often has the office of the Secretary of 15 State conducted a Spanish surname analysis, by which I 16 mean what we talked about? 17 A. I would have to ask the elections division to 18 give that. 19 Q. Do you think it's fair to say that they do it 20 regularly? 21 A. I would say that it's done every time that the 22 data is provided to the office. 23 Q. Do you have any sense of how often you get the 24 data? 25 A. Right offhand, ma'am, I -- I don't know</p>	<p style="text-align: right;">31</p> <p>1 be. 2 Q. Do you consider Spanish surname analyses to be 3 a routine method of analysis in your office? 4 MR. SCOTT: Objection, form, vague. 5 A. I -- I don't know how routinely it is done. 6 Q. (By Ms. Maranzano) You don't have any sense? 7 A. As I said before, when it's provided to -- when 8 the data is provided to the office, I know that our 9 office does it as they are required to do it. 10 Q. If the Secretary of State's Office needed 11 information about the racial and ethnic demographics of 12 registered voters, is the Spanish surname analysis the 13 best method to determine that? 14 A. I'm not the person that would be able to tell 15 you this. 16 Q. Who would be able to answer that? 17 A. I don't know. 18 Q. Okay. Are you familiar with SB 362 that was 19 introduced by Senator Fraser in 2009? 20 A. Are you referring to the Voter ID bill -- 21 Q. Yes. 22 A. -- of 2009? If that's the one that I was -- I 23 testified on, I'm vaguely familiar with it. 24 Q. Okay. 25 (Exhibit 1 marked for identification.)</p>
<p style="text-align: right;">30</p> <p>1 specifically without -- 2 Q. Do you know -- 3 A. -- without looking at the information. 4 Q. Do you know -- well, strike that. 5 Have you done Spanish surname analysis -- 6 analyses for preclearance submissions? 7 A. I would defer that to our director of elections 8 as to what -- what they've -- what the division has 9 actually done. 10 Q. You don't know if they've done those for 11 redistricting commissions, for example? 12 A. Personally, I don't know. 13 Q. Okay. Did you -- did you discuss the 14 preclearance submissions with the director of elections 15 when those would get submitted to the Department of 16 Justice? 17 MR. SCOTT: Objection, form, vague. 18 A. I'm quite sure they made me aware of them, but 19 the specifics, what they were doing with a specific 20 deal, they wouldn't necessarily go into great detail 21 with me. 22 Q. (By Ms. Maranzano) You do -- do you consider 23 your IT department to be knowledgeable on how to deal 24 with one of these Spanish surname analysis? 25 A. As knowledgeable as -- as they possibly could</p>	<p style="text-align: right;">32</p> <p>1 Q. (By Ms. Maranzano) Mr. Shorter, I'm showing 2 you what we've marked as Deposition Exhibit 1. 3 A. Okay. 4 Q. Do you recognize this? 5 A. I -- I recognize that it's a bill, but 6 recognizing its specific content -- 7 Q. I'll represent to you that this is a copy of SB 8 362 as it was introduced in the Senate. Is this the 9 bill that you testified on in the Senate? 10 A. It appears to be, ma'am. 11 Q. Did you have any role in the development of 12 this bill? 13 A. No, ma'am. 14 Q. Did you -- did you testify once on this bill or 15 more than once? 16 A. One time. 17 Q. Do you recall the date? 18 A. It was around March the 10th or 11th. 19 Q. And I believe you testified earlier that you 20 were -- you testified as a resource witness? 21 A. Yes. 22 Q. Did you prepare prior to serving as a resource 23 witness? 24 A. I had staff available to -- to give me 25 information that I would potentially need to possibly</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

9 (Pages 33 to 36)

<p style="text-align: right;">33</p> <p>1 answer some of the questions, you know, but extensive 2 preparation, I didn't, you know -- I found about my -- 3 the desire for the committee to have me or the Secretary 4 to testify the day before or probably the 8th or 9th or 5 somewhere around there, of March, and staff -- staff 6 gave me information that I would potentially need to 7 answer potential questions that would -- that may come 8 up. 9 Q. Did you talk to any legislators before you 10 testified about 362, SB 362? 11 A. No more than the bill sponsor asking, when I 12 got there, asking me to represent the Secretary of 13 State's Office. 14 Q. Did the bill sponsor, was he the person who 15 invited the Secretary of State to testify? 16 A. I don't remember who actually made the 17 invitation. 18 Q. Okay. And when you were testifying on SB 362, 19 did you take the position for or against the bill? 20 A. No, ma'am. 21 Q. Did several senators ask you questions about SB 22 362 during your testimony? 23 A. It's been so long ago. I remember them asking 24 some hypothetical issues that could potentially come 25 up. Even though I stayed there for a while, I didn't --</p>	<p style="text-align: right;">35</p> <p>1 you'll follow up with her? 2 A. Uh-huh. 3 Q. Do you recall that you sent her a letter 4 following up on this inquiry? 5 A. I recall that our staff prepared a letter for 6 my signature. 7 Q. All right. 8 MS. MARANZANO: If you'll mark this. 9 (Exhibit 3 marked for identification.) 10 A. Okay. 11 Q. (By Ms. Maranzano) I'm showing you what we've 12 marked as Exhibit 3. 13 A. Okay. 14 Q. If you could take a look at sort of the second 15 and then on to the third and fourth page? 16 A. Okay. 17 Q. Do you see there's a letter there? 18 A. Uh-huh. 19 Q. Do you recognize this letter? 20 A. Like I said, it's been a long time. I 21 remember -- I would probably recognize it even more if 22 it were in its original form from our office. But if 23 this is the letter that is the same as our office, this 24 was the letter that was prepared by our staff to respond 25 to the questions that Senator Van de Putte had.</p>
<p style="text-align: right;">34</p> <p>1 I didn't testify long. 2 (Exhibit 2 marked for identification.) 3 Q. (By Ms. Maranzano) I'm showing you what we've 4 marked as Deposition Exhibit Number 2. 5 A. Uh-huh. 6 Q. This I'll represent to you is an excerpt from 7 the Committee of the Whole transcript from March 10, 8 2009. Can you look at page -- and there's a bunch of 9 different numbers at the bottom, but I'm looking at the 10 JA number, JA 003998. 11 A. 3998. 12 Q. Yes. 13 A. Okay. 14 Q. And if you can just take a look at that page. 15 Do you see that Senator Van de Putte is asking you some 16 questions there? 17 A. Uh-huh. 18 Q. And do you see that -- that you say there's no 19 mechanisms to track race or ethnicity, and she expresses 20 some concern about gathering this information for a DOJ 21 submission. Do you see that? 22 A. Well, let me look. 23 Q. Yes. 24 A. Let's see. Okay. I read this, so. 25 Q. And do you recall, do you see that you say</p>	<p style="text-align: right;">36</p> <p>1 Q. And can you look at the page that has the 591 2 on the top right? 3 A. Uh-huh. 4 Q. And there's a question about does the Secretary 5 of State track the racial status of registered voters? 6 A. Uh-huh. 7 Q. And then do you see that you say that 8 information on voters with Hispanic surname is 9 inconclusive? 10 A. Hold on. I haven't gotten there yet. 11 Q. Okay. 12 A. Let me see, where is it? 13 Q. That part is towards the end of the first 14 paragraph. 15 A. Okay. 16 Q. Now, is your basis for -- well, what is your 17 basis for characterizing it as inconclusive? Is it what 18 we discussed earlier? 19 A. I think clearly is what it states here. 20 Q. So when you said, "We do not have" -- "we do 21 have data on the number of registered voters with 22 Hispanic surnames, but the data is inconclusive," what 23 is your basis for saying it's inclusive? 24 A. Because of what it says here, the rest of that 25 sentence. It simply matches the surname against the</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

10 (Pages 37 to 40)

<p style="text-align: right;">37</p> <p>1 identified Hispanic surnames.</p> <p>2 Q. And in 2009, did you have any other way of</p> <p>3 determining if a voter was Hispanic?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. So would you think that a Hispanic surname</p> <p>6 analysis would be the best available way to determine if</p> <p>7 the voter was Hispanic?</p> <p>8 MR. SCOTT: Objection, form.</p> <p>9 A. I think based on what we said here it's</p> <p>10 inconclusive.</p> <p>11 Q. (By Ms. Maranzano) Do you see in the next</p> <p>12 paragraph, you talk about submissions to the Department</p> <p>13 of Justice, and then in the second sentence you say,</p> <p>14 "For instance," and can you read that sentence. "The</p> <p>15 Texas Legislative Council assisted with the compilation</p> <p>16 of data on race and ethnicity on redistricting bills."</p> <p>17 Do you know what the Texas Legislative Council did to</p> <p>18 compile all the data on race and ethnicity for</p> <p>19 redistricting bills?</p> <p>20 A. Personally, I don't know, ma'am.</p> <p>21 Q. Do you know when you wrote this letter or sent</p> <p>22 this letter?</p> <p>23 A. As I -- as I stated, this letter was an effort</p> <p>24 of our office to answer the Senator. So our staff</p> <p>25 drafted the letter, who -- those are the individuals who</p>	<p style="text-align: right;">39</p> <p>1 MR. SCOTT: Objection, form, vague.</p> <p>2 Q. (By Ms. Maranzano) That -- wasn't that the</p> <p>3 question that we looked at for Senator Van de Putte</p> <p>4 where she was interested in asking about the</p> <p>5 demographics of registered voters?</p> <p>6 A. I thought Senator Van de Putte was asking about</p> <p>7 Hispanic surnames. Without looking at the whole thing,</p> <p>8 I thought that was what we were talking about.</p> <p>9 Q. As you see on page 3998, Senator Van de Putte</p> <p>10 says --</p> <p>11 A. Hold on, hold on, 3 what?</p> <p>12 Q. 3998.</p> <p>13 A. 3998.</p> <p>14 Q. JA 00.</p> <p>15 A. Okay.</p> <p>16 Q. And Senator Van de Putte says, "So how would be</p> <p>17 able if we don't know" --</p> <p>18 A. Where are you, ma'am?</p> <p>19 Q. In the middle of the page, Line 10.</p> <p>20 A. Okay.</p> <p>21 Q. And there's a comment by Senator Van de Putte</p> <p>22 where she talks about the data, and she's asking about</p> <p>23 registered voters who are African American or Latino.</p> <p>24 Do you see that?</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">38</p> <p>1 are the experts in this area. Since I was the</p> <p>2 individual who had been asked by the Senator, the letter</p> <p>3 was -- we responded to her under my signature.</p> <p>4 Q. So as you sit here today, you don't know what</p> <p>5 the Texas Legislature did; is that correct -- or I'm</p> <p>6 sorry, the Texas Legislative Council did for that</p> <p>7 analysis?</p> <p>8 A. I don't recall back to 2009.</p> <p>9 Q. Okay. And then do you see that the next</p> <p>10 sentence says, "A similar effort to obtain such</p> <p>11 demographics may have required for a voter</p> <p>12 identification bill"? Is it fair to say that in March</p> <p>13 of 2009, that you were aware of the potential need to</p> <p>14 identify the racial demographics of registered voters</p> <p>15 when you submitted the Voter ID bill to the Department</p> <p>16 of Justice?</p> <p>17 A. I don't know, ma'am.</p> <p>18 Q. Well, what -- what -- what do you mean by that</p> <p>19 sentence?</p> <p>20 A. As I said, back in 2009, I -- I don't -- other</p> <p>21 than what it says, I don't know.</p> <p>22 Q. And in March of 2009, is it fair to say that</p> <p>23 you knew the Legislature was interested in the</p> <p>24 demographics of registered voters based on your</p> <p>25 testimony as a resource witness?</p>	<p style="text-align: right;">40</p> <p>1 Q. So at least one legislator was interested in</p> <p>2 knowing that, correct?</p> <p>3 A. I would presume that she has an interest in it.</p> <p>4 Q. And can you -- can you turn back to this letter</p> <p>5 and look at the very first question here that's on page</p> <p>6 590?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And do you see that it's asking about the</p> <p>9 difference between a citizenship certificate and</p> <p>10 citizenship papers?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And if you could take a look at SB 362, Section</p> <p>13 63.0101.</p> <p>14 A. Wait a minute. Where are you now? Hold on,</p> <p>15 because you --</p> <p>16 Q. I'll find the page number.</p> <p>17 A. -- you're taking it too fast here.</p> <p>18 Q. It's on Page 5 or JA 3244.</p> <p>19 A. Wait a minute. Which document? You've given</p> <p>20 me two documents. Which document are you talking about?</p> <p>21 Are you talking about this one or are you talking about</p> <p>22 this one?</p> <p>23 Q. The SB 362.</p> <p>24 A. All right.</p> <p>25 Q. Yeah.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

11 (Pages 41 to 44)

<p style="text-align: right;">41</p> <p>1 A. Now where do you want me to go in this? 2 Q. Page 5. 3 A. Page 5. 4 Q. Which has a JA 3244? 5 A. JA. Okay. 6 Q. And then if you look at Section 63.0101, which 7 is at Line 11. 8 A. Line 11, okay. 9 Q. Okay. And then I want you to take a look at 10 this section. There's a Section A and a Section B in 11 63.0101. 12 A. Okay. 13 Q. And just let me know when you're ready. 14 A. What else do you want me to look at? 15 Q. Section A and B. Did you look at that? 16 A. Section A. Okay. 17 Q. Do you see Section A has language about a 18 United States citizenship certificate, correct? 19 A. Uh-huh. 20 Q. And Section B has language about a United 21 States -- or United States citizenship papers. Do you 22 see that? 23 A. Now where is Section B? Okay. I see papers 24 here. Certificate here. Okay. 25 Q. And then in this letter, you're answering the</p>	<p style="text-align: right;">43</p> <p>1 to -- had to draft the language to satisfy the question 2 that had been asked. Without a staff here to walk me 3 through it again after five years, I don't remember. 4 Q. Okay. So sitting here today, you don't know 5 the answer to that? 6 A. The answer to what? 7 Q. To whether the certificate of naturalization 8 was, in 2009, whether your office thought that that was 9 part of 63.0101 A? 10 A. I feel comfortable that what our staff put in 11 this letter was the most accurate information they had. 12 Q. Okay. Now, this letter is dated March 11, 13 correct? 14 A. Yes, it appears to, yes, ma'am. 15 Q. And you testified on March 10th, although I 16 believe the testimony went into the next day; is that 17 correct? 18 A. Ma'am, I don't remember. It's -- it -- I -- I 19 started -- I sat there starting the evening of the 20 9th. I went through the 10th. And I testified in the 21 wee hours of the morning of the 11th, somewhere like 22 5-ish or so in the morning. I don't -- it was early. 23 Q. Uh-huh. 24 A. Most people weren't working about that time. 25 And upon -- upon getting through, I went back to our</p>
<p style="text-align: right;">42</p> <p>1 question of explaining the difference between a 2 citizenship certificate and citizenship papers. Do you 3 see that? 4 A. Okay. 5 Q. Okay. Now, in the second paragraph of the 6 letter, there's discussion of citizenship papers. And 7 it states that the passport -- a U.S. passport and 8 certificate of citizenship would satisfy Section 63.0101 9 A and B. And then it separately discusses birth 10 certificates and certificates of naturalization. So my 11 question is: Was it your position in 2009 that a 12 certificate of naturalization was intended to be 13 accepted under 63.0101 A? 14 A. My personal position? 15 Q. The position -- yeah, your personal position? 16 A. My personal position, I didn't have a position. 17 Q. What about the position of your office? 18 A. All of this? 19 Q. Uh-huh. 20 A. A lawyer would have to tell me what this means. 21 I'm not a lawyer. So I would have to defer to the 22 elections staff to tell me, okay, this was the response. 23 They verified that this needed to be in there. I was 24 responding on behalf of the agency because I was the -- 25 the witness that was up there. But the staff was able</p>	<p style="text-align: right;">44</p> <p>1 staff and said we have these questions. The staff 2 members that were there were able to write down the 3 questions. We need to respond to the Senator. 4 Q. And you responded that same day, these are in 5 the day, correct? 6 A. If that's what this letter says. Now, my dates 7 may be off on when I actually testified. I just 8 remember it was early in the morning. 9 Q. Now, when you -- when you serve as a resource 10 witness or when you served as the resource witness, the 11 one time, did you think it was important to respond to 12 all the questions that the legislators asked you? 13 A. I thought it was important to answer the 14 questions that they asked me. 15 Q. And would you try to respond such as in this 16 case even if you had to go back and get more information 17 and bring it back to them? 18 A. If that had been the case. 19 Q. Does the Legislature's funding of your office 20 motivate you to respond to their requests? 21 A. The Legislature motivates me to respond to 22 their requests. 23 Q. Do you believe that you're equally responsive 24 to members of the majority political party and the 25 minority political party?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

12 (Pages 45 to 48)

<p style="text-align: right;">45</p> <p>1 A. We're responsive to anyone that asks the 2 question. 3 Q. Are there any circumstances, and this can be 4 even broader than just when you testified, in which you 5 have not responded to a legislator's question or request 6 for information? 7 MR. SCOTT: Objection, vague and 8 ambiguous. 9 A. What do you mean? 10 Q. (By Ms. Maranzano) As you sit here today, can 11 you recall any times when a legislator has asked you a 12 question or asked for information and you haven't 13 responded? 14 MR. SCOTT: Objection, vague and 15 ambiguous. You can answer. 16 A. I -- ma'am, not that I -- I don't know of 17 any. I mean, I can't recall any. 18 Q. (By Ms. Maranzano) Do you -- do you recall if 19 you got a response to your letter to Senator 20 Van de Putte? 21 A. I don't recall. 22 Q. Did you have communications about the substance 23 of the letter with any other Senators? 24 A. No, not that I can recall. 25 Q. With the Lieutenant Governor's Office?</p>	<p style="text-align: right;">47</p> <p>1 Q. Do you know -- do you know who they had 2 conversations with? 3 A. Absolutely -- no, ma'am, I -- 4 Q. But you didn't have any conversations with 5 legislators about the bill? 6 A. No, ma'am. 7 Q. Do you know if Senator Fraser consulted with 8 anyone in the elections division to ensure that the bill 9 did not create any conflict with the election code? 10 A. I have no idea, ma'am. You're talking about 11 this bill, Senate Bill 14? 12 Q. Senate Bill 14. Does your office receive 13 notification of allegations of in-person voter 14 impersonations? 15 A. If our elections department would -- would 16 receive those, elections division, rather. 17 Q. And are those something Mr. Ingram or whoever 18 the director of elections is discusses with you? 19 A. Not in great detail, no more than if there's 20 one, we have one and they were following their 21 procedures for passing it on. 22 Q. So you would know that there was an allegation 23 but you wouldn't know the details; is that correct? 24 A. Quite possibly, yes, ma'am, I -- 25 Q. Prior to the passage of SB 14, were you aware</p>
<p style="text-align: right;">46</p> <p>1 A. Not that I can recall, ma'am. 2 Q. With any members of the House? 3 A. No, ma'am, not that I can -- none that I can 4 recall. 5 (Exhibit 4 marked for identification.) 6 Q. (By Ms. Maranzano) I'm handing you what we've 7 marked as Exhibit 4. Do you recognize this document? 8 A. I see two exhibit numbers on here. 9 Q. Oh, yeah, that's -- 10 A. One says that 5 and one that says 4. 11 Q. Well, 5 is because it's a previously used 12 exhibit. 13 A. Oh, okay, all right. So this would be Senate 14 Bill 14? 15 Q. Did you have any role in the development of 16 Senate Bill 14? 17 A. Direct -- direct development? 18 Q. Yes. 19 A. No, ma'am. 20 Q. How about indirect development? 21 A. Well, I supervised our elections staff. 22 Q. Did they have -- did they have a role in the 23 development of the bill? 24 A. I'm quite sure they answered questions from the 25 Legislature if they had them.</p>	<p style="text-align: right;">48</p> <p>1 of any allegations of in-person voter impersonation in 2 Texas? 3 A. I -- I don't -- you know, when you've been 4 around seven years, a lot of things happen at different 5 times. I don't know if they happened before the bill or 6 after. 7 Q. Well, as you sit here today, what allegations 8 of in-person voter impersonation are you aware of? 9 A. I can't remember any specific ones. 10 Q. Okay. 11 A. Because they weren't -- they were passed on to 12 the appropriate authorities. 13 Q. Do you know whether it's the Secretary of 14 State's position that under SB 14, a citizenship 15 certificate includes certificates of naturalization? 16 A. What do you mean? 17 Q. Well, can you take a look at -- let me find the 18 right page for you. 19 A. Are you talking about the types of -- 20 Q. Yes. 21 A. -- identification? 22 Q. Yes. 23 A. I know the different forms, but I would have to 24 have staff tell me which specific forms fall into what 25 categories.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

13 (Pages 49 to 52)

<p style="text-align: right;">49</p> <p>1 Q. Okay. Are you aware of whether a certificate 2 of naturalization is accepted as a form of ID under SB 3 14?</p> <p>4 A. Are you considering that a certificate of 5 citizenship?</p> <p>6 Q. That's what I'm asking you.</p> <p>7 A. I mean, is that what you were asking about?</p> <p>8 Q. Yes, exactly.</p> <p>9 A. I think it is one of the forms. I had to go 10 back and think about that. Citizenship is a -- should 11 be a form.</p> <p>12 Q. And do you know who made that decision?</p> <p>13 A. Who in terms of the bill?</p> <p>14 Q. Well, if you look at the bill -- let's just 15 look at the bill for a moment.</p> <p>16 A. So what page are you going to?</p> <p>17 Q. Page 9 or Page 424 or DE --</p> <p>18 A. My 424 says Page 7.</p> <p>19 Q. DE 4188, do you see that?</p> <p>20 A. Okay. 4188.</p> <p>21 Q. And then Section 14 of the bill.</p> <p>22 A. Okay.</p> <p>23 Q. That's probably the easiest way to do it. And 24 then do you see -- if you could just take a look at the 25 forms of ID that are --</p>	<p style="text-align: right;">51</p> <p>1 A. G. Okay.</p> <p>2 Q. Okay. So certificate of citizenship -- 3 certificate of naturalization, that's not written 4 explicitly in the part of the bill that we just looked 5 at, right?</p> <p>6 MR. SCOTT: Objection, form, vague.</p> <p>7 Mischaracterizes the bill and the document -- the bill, 8 SB 14, speaks for itself. Go ahead.</p> <p>9 Q. (By Ms. Maranzano) Did you see when you looked 10 at 63.0101, did you see certificate of naturalization 11 written in?</p> <p>12 A. I have to go back and look. I've seen so much 13 today. Which one?</p> <p>14 Q. That one that you have open.</p> <p>15 A. And what am I looking at?</p> <p>16 Q. 63.0101?</p> <p>17 A. 63.1010.</p> <p>18 Q. SB 14.</p> <p>19 A. Okay. And where am I looking? Where do you 20 want me to look?</p> <p>21 Q. I'm just asking you if you see certificate of 22 naturalization listed there.</p> <p>23 MR. SCOTT: Objection, form. The document 24 4189 speaks for itself.</p> <p>25 A. I see what the bill says.</p>
<p style="text-align: right;">50</p> <p>1 A. All right.</p> <p>2 Q. -- here.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. Now, let's take a look at this.</p> <p>5 A. Okay.</p> <p>6 MS. MARANZANO: We are marking this 7 Deposition Exhibit 6 -- 5. 8 (Exhibit 5 marked for identification.)</p> <p>9 A. This is 4. Okay, I got it.</p> <p>10 Q. (By Ms. Maranzano) Okay. And I believe this 11 is on the second page. It's on Page 463240.</p> <p>12 A. 463 what?</p> <p>13 Q. Which is Page 4 at the top and the letter G.</p> <p>14 A. Uh-huh.</p> <p>15 Q. And do you see that according to the Secretary 16 of State frequently -- well, do you recognize this 17 document, what's been marked as Deposition Exhibit 5?</p> <p>18 A. I recognize that it's a FAQ document.</p> <p>19 Q. And do you see that under Section G, it says 20 the Secretary of State has determined -- researched the 21 legislative intent. And do you see that the 22 determination has been made that citizenship 23 certificates includes certificates of naturalization?</p> <p>24 A. Wait a minute. Where are you?</p> <p>25 Q. Under letter G.</p>	<p style="text-align: right;">52</p> <p>1 Q. (By Ms. Maranzano) So I'm wondering who made 2 the decision to include certificate of naturalization as 3 a form of ID that was allowed in -- under SB 14?</p> <p>4 MR. SCOTT: Objection, form. I think this 5 is getting awful close to the deliberative process 6 privilege that the agency goes through. And so I think 7 other than what the documents say on their surface, I 8 would --</p> <p>9 Well, first of all, do you know? I mean, 10 if you don't know, that may be the easiest way. If you 11 don't know, just let her know. But if you do know, then 12 I've got to follow up.</p> <p>13 A. I don't know other than it would happen in the 14 elections division.</p> <p>15 Q. (By Ms. Maranzano) Okay. Do you know what the 16 basis was of that decision?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Do you know if that decision is memorialized in 19 a regulation?</p> <p>20 A. What do you mean by memorialized?</p> <p>21 Q. Is there a regulation -- is there anything in 22 writing other than these frequently asked questions that 23 says certificate of naturalization should be included?</p> <p>24 A. I'm not aware.</p> <p>25 Q. Okay. Is this the case that the Secretary of</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 State has regulatory authority with regard to the forms 2 of ID allowed under SB 14? 3 A. I think Secretary of State's Office is not a 4 regulatory agency. 5 Q. Do you think that the decision to allow a 6 certificate of naturalization as one of the allowable 7 forms of ID under SB 14 is the decision that could be 8 reversed by a future administration? 9 MR. SCOTT: Objection, form, speculation. 10 Objection, form, foundation. You can answer. 11 A. I have no clue, ma'am. 12 Q. (By Ms. Maranzano) Did you have any 13 conversations -- you can put that document away. 14 A. This one? I can put this away? 15 Q. Yes. 16 A. Okay. 17 Q. Did you have any conversations with any 18 legislators about SB 14 while it was being considered? 19 A. Ma'am, none that I can recall. 20 Q. Did you have any conversations with anyone in 21 the Governor's office about SB 14? 22 A. None of -- none of any great substance. 23 Q. Did the Governor designate SB 14 as a 24 legislative emergency? 25 A. I don't -- I don't remember.</p>	<p style="text-align: right;">55</p> <p>1 A. I mean, bills don't start with the Secretary of 2 State's Office. 3 Q. (By Ms. Maranzano) But the Secretary of State 4 is the chief election official, correct? 5 A. We're the chief resource. 6 Q. Now, you said I believe earlier that you 7 usually work with committees, the Senate Committee on 8 State Affairs for election bills. 9 A. I don't. 10 Q. Your office does, correct? 11 A. Yes. 12 Q. And are you aware that SB 14 was referred 13 directly to the Committee of the Whole? 14 A. Ma'am, I don't -- I don't know the history of 15 the legislative process on the bill. 16 Q. Okay. Fair enough. 17 MS. MARANZANO: Can you mark this? 18 (Exhibit 6 marked for identification.) 19 MS. MARANZANO: Okay. At this point, 20 before we go further, I just want to note for the record 21 that this is a Highly Confidential document, so we're 22 going to designate this part of the transcript as highly 23 confidential. 24 MR. SCOTT: We have run into this issue 25 with our wonderful court reporter before.</p>
<p style="text-align: right;">54</p> <p>1 Q. Do you know why SB 14 would have been 2 designated as a legislative emergency? 3 A. No, ma'am. 4 Q. Was there any factual basis that necessitated 5 the Legislature to consider Voter ID bills in the first 6 60 days of the session? 7 MR. SCOTT: Objection. 8 A. I have no idea. 9 Q. (By Ms. Maranzano) Was there any spike in 10 in-person voter impersonation that had occurred? 11 A. I don't know. 12 Q. Are you aware of any particular decline in 13 voter confidence that has occurred? 14 A. I'm not aware of any. 15 Q. Did you provide any input into the decision to 16 make SB 14 a legislative emergency? 17 A. No, ma'am. 18 Q. Did the Secretary of State? 19 A. I'm not aware of -- of that. 20 Q. Wouldn't the Secretary of State be in the best 21 position to know whether there was an election-related 22 issue that needed to be addressed in the first 60 days 23 of the legislative session? 24 MR. SCOTT: Objection, form, foundation, 25 speculation.</p>	<p style="text-align: right;">56</p> <p>1 MS. MARANZANO: Yes. 2 MR. SCOTT: And from his standpoint, we 3 have had the following agreement on previous 4 depositions. We want to see if we can get the same one 5 on this one so we make his life as easy as possible. 6 Which is that we put the whole deposition in some sealed 7 content, but the only time anybody needs to do anything 8 special is when we get to that portion of the depo that 9 deals with the highly confidential. So we treat it as 10 though it's, from an administrative process, he's 11 allowed to serve it upon us in a sealed manner, and it 12 just puts everybody on alert that they need to -- 13 there's something in that deposition that's highly 14 confidential. 15 MS. MARANZANO: I see. So we'll -- 16 MR. SCOTT: So the whole depo -- 17 MS. MARANZANO: -- mark the whole 18 transcript as Highly Confidence, but we'll note on the 19 record when we're -- 20 MR. SCOTT: Yes. 21 MS. MARANZANO: -- using a document that's 22 -- 23 MR. SCOTT: Yes. That's way -- 24 MS. MARANZANO: Yeah. 25 MR. SCOTT: -- nobody needs any special</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 permission to do anything except when we get to that 2 highly confidential section. 3 MS. MARANZANO: That's fine as long as we 4 can agree that, you know, we're doing it as an 5 administrative convenience -- 6 MR. SCOTT: Absolutely, yes. 7 MS. MARANZANO: -- but we're not agreeing 8 that the whole transcript is confidential. 9 MR. SCOTT: Yes, yes, absolutely. 10 MS. MARANZANO: All right. But just so 11 I'm clear, will we continue to note on the record when 12 we're using highly confidential? 13 MR. SCOTT: Absolutely. 14 MS. MARANZANO: Okay. 15 MR. SCOTT: And so we're just dealing with 16 it, it just kind of -- placing that burden -- I mean, 17 that removes the burden on him to break out any 18 subparts, and it just alerts somebody that there's 19 something in that document that's highly confidential. 20 MS. MARANZANO: I see. That makes sense. 21 MR. SCOTT: And we only deal with the 22 subpart as being highly confidential. The rest remains 23 un -- 24 MS. MARANZANO: Okay. 25 MR. SCOTT: -- sharable with anybody you</p>	<p style="text-align: right;">59</p> <p>1 asking Ms. McGeehan whether the Secretary of State or 2 any other local election officials collect ethnicity 3 information on voters? 4 A. Uh-huh. 5 Q. Who is Ms. McGeehan? 6 A. Ms. McGeehan is the former director of 7 elections. 8 Q. And when she sent this e-mail to Ms. McGeehan, 9 at that time, was Ms. McGeehan the director of 10 elections? 11 A. It appears she was based on the e-mail here. 12 Q. And Ms. McGeehan responded and talked about the 13 availability of the Hispanic surname analysis, correct? 14 A. That appears to be correct. 15 Q. Now, this e-mail was sent on January 24th, 16 right? 17 A. That's what it -- yes, ma'am, according to this 18 document. 19 Q. And is that the day before the Senate Committee 20 of the Whole took up SB 14? 21 A. I have no idea. 22 Q. Did Ms. McGeehan inform you that she's been 23 asked by Senator Duncan's staff to provide information 24 about the ethnicity of voters? 25 A. I don't recall.</p>
<p style="text-align: right;">58</p> <p>1 want. 2 MS. MARANZANO: Okay. That sounds good. 3 MR. SCOTT: Thank you. 4 Q. (By Ms. Maranzano) Mr. Shorter? 5 A. Uh-huh. 6 Q. I am showing you what we've marked as 7 Deposition Exhibit 6. Do you recognize this document? 8 A. No, ma'am. 9 Q. Have you ever seen it before? 10 A. No, ma'am. 11 Q. Do you know who Jennifer Fagan is? 12 A. Yes, ma'am. 13 Q. And who is she? 14 A. She works for Senate Committee on State 15 Affairs, or she used to. I don't know if she's still 16 there or not. 17 Q. And in 2011, she -- she worked for the Senate 18 Committee on State Affairs, correct? 19 A. I think she did, yes. 20 Q. In 2011? And Senator Duncan chaired the 21 committee on State Affairs, correct? 22 A. Yes, ma'am. 23 Q. And did he preside over the debate on SB 14? 24 A. I was not at that hearing. 25 Q. Now, do you see in this document, Ms. Fagan is</p>	<p style="text-align: right;">60</p> <p>1 Q. Are you aware of whether she made any response 2 to Ms. Fagan or to Senator Duncan's staff? 3 A. I'm not aware. 4 Q. Okay. So -- 5 A. Other than what you've shown me here. 6 Q. Okay. Those are all the questions I have about 7 this document. 8 A. Okay. I can turn this one down? 9 Q. Yes. 10 A. Who do I give this one to? 11 MR. SCOTT: Same pile. 12 MS. MARANZANO: You can just put them in 13 the pile. 14 A. Okay. 15 Q. (By Ms. Maranzano) Are you aware of whether 16 the division, the elections division at this time, 17 around January 24th, had prepared a monthly report of 18 Hispanic surname voters by household and county? 19 A. Ma'am, I'm not aware. 20 Q. Would it surprise you to learn that Mr. Ingram 21 testified that that's the case? 22 A. No, it wouldn't surprise me. I'm just -- I 23 mean -- I don't -- what -- what do you mean? 24 Q. Would -- are you aware of whether the elections 25 division prepared a report of Hispanic surname voters</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 each month?</p> <p>2 A. I don't know exactly how often, how frequent it</p> <p>3 is prepared.</p> <p>4 Q. Okay.</p> <p>5 A. I know it is prepared.</p> <p>6 Q. Okay.</p> <p>7 A. The frequency of it is not something that they</p> <p>8 put on my desk every month.</p> <p>9 Q. Okay. So that's what you were referring to</p> <p>10 earlier when you said you know the list was prepared.</p> <p>11 A. I know it's prepared. I know they follow</p> <p>12 whatever procedures, but how -- how often is it done, I</p> <p>13 can't give you without them telling me, without me</p> <p>14 asking them, I can't give you a specific answer.</p> <p>15 Q. Do you -- do you know how the report is</p> <p>16 prepared?</p> <p>17 A. What do you mean by how it's prepared?</p> <p>18 Q. Do you know what information is contained in</p> <p>19 that report?</p> <p>20 A. It's been a while since I've seen one. I would</p> <p>21 have to see one to refresh my memory on it.</p> <p>22 Q. Do you know what the purpose of the report is?</p> <p>23 A. Not in great detail.</p> <p>24 Q. Do you give that report out to people who ask</p> <p>25 for information about the ethnicity of voters?</p>	<p style="text-align: right;">63</p> <p>1 Q. Okay.</p> <p>2 A. It was not my decision.</p> <p>3 Q. Was it -- whose decision was it?</p> <p>4 A. I would presume it's the decision of the</p> <p>5 committee.</p> <p>6 Q. Did you accompany Ms. McGeehan when she</p> <p>7 testified as a resource witness?</p> <p>8 A. I was in the room.</p> <p>9 Q. And in the room, you mean you went to the --</p> <p>10 A. To the Senate floor.</p> <p>11 Q. Okay. And you -- did you stay during the</p> <p>12 committee's debate?</p> <p>13 A. Some of it. I can't remember if I stayed for</p> <p>14 the whole thing, ma'am.</p> <p>15 Q. Was that a common practice for you to accompany</p> <p>16 other people when they went to the Legislature to</p> <p>17 testify?</p> <p>18 A. It wasn't necessarily common practice, but in</p> <p>19 that it was the Senate of the Whole, again, we didn't</p> <p>20 know what to expect. Ms. McGeehan wanted -- because I</p> <p>21 had been there, I had been the witness before,</p> <p>22 Ms. McGeehan as the elections director before the</p> <p>23 Committee of the Whole just wanted me there, if nothing</p> <p>24 more, for moral support.</p> <p>25 Q. And prior to the hearing on January 25, 2011</p>
<p style="text-align: right;">62</p> <p>1 A. Where all the -- where all the staff provides</p> <p>2 that particular list and who all they provide it to, I</p> <p>3 don't know specifically. Whoever the -- whoever asks</p> <p>4 for it is more than likely capable of getting it.</p> <p>5 Q. So although you testified earlier that you</p> <p>6 don't believe that the Spanish surname analysis is a</p> <p>7 completely accurate --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- method, the Secretary of State's Office has</p> <p>10 disseminated information using that form of analysis,</p> <p>11 correct?</p> <p>12 A. That's the only information we have.</p> <p>13 Q. Do you know if you've ever disseminated that</p> <p>14 information to the State Affairs Committee?</p> <p>15 A. Ma'am, I -- I -- specifically, I don't -- I</p> <p>16 don't know. I mean, I can't give you a -- if it was</p> <p>17 requested by the committee, I'm quite sure our staff did</p> <p>18 the best of their ability to provide it.</p> <p>19 Q. Do you recall that Ms. McGeehan testified</p> <p>20 during the Committee of the Whole proceedings on the</p> <p>21 Senate Bill 14?</p> <p>22 A. I remember her testifying.</p> <p>23 Q. Now, why did she testify in this case in SB 14</p> <p>24 when --</p> <p>25 A. I have no clue.</p>	<p style="text-align: right;">64</p> <p>1 where Ms. McGeehan testified --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- the division had updated its analysis of</p> <p>4 voters who had not supplied a driver's license number or</p> <p>5 Social Security number with their voter registration</p> <p>6 applications, correct?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you -- do you know how an analysis like that</p> <p>9 would be derived?</p> <p>10 MR. SCOTT: Objection, form, foundation.</p> <p>11 A. What type of analysis?</p> <p>12 Q. (By Ms. Maranzano) A list of voters who did</p> <p>13 not supply a driver's license number or a Social</p> <p>14 Security number, would that analysis be done by only</p> <p>15 looking at the TEAM database?</p> <p>16 A. Ask the question -- ask me the question again,</p> <p>17 please. I didn't quite understand what you were asking.</p> <p>18 Q. Sure. When the Secretary of State's Office</p> <p>19 gives out information about voters who have not supplied</p> <p>20 a driver's license number or a Social Security number on</p> <p>21 a voter registration application, are they getting that</p> <p>22 information from the TEAM database?</p> <p>23 A. Well, I mean, it would depend on what type of</p> <p>24 request it is.</p> <p>25 Q. What do you mean by that?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 A. Just what I said, it depends on, you know, the 2 nature of -- of who's asking the question. I mean, 3 what -- what is it that you're trying to -- to figure 4 out? I mean, is it can the data be -- can the question 5 be answered simply by looking at TEAM data, or is there 6 another set of data that needs to be looked at as well. 7 I'm can't be -- I'm not the one that could tell you 8 that. The election staff would be able to answer that 9 question as to whether or not the answers for a 10 particular query can be determined only by data that we 11 have in TEAM.</p> <p>12 Q. Okay. I think maybe I'm not being clear. When 13 -- when the elections division is supplying a list that 14 has the number of voters who didn't write their driver's 15 license number or their Social Security number on their 16 voter registration application, would that be -- that 17 information, would that come just from TEAM?</p> <p>18 A. Well, I think I've answered it as best I could. 19 It depends on, you know, are you just looking at the -- 20 all of the data that's in TEAM? I can't remember every 21 piece of information in TEAM. Or are you having to look 22 at outside data to make comparisons with?</p> <p>23 Q. The information that would be supplied on the 24 voter registration application, what other database 25 would contain that?</p>	<p style="text-align: right;">67</p> <p>1 list of voters who had driver's -- or wrote a driver's 2 license number on their voter registration application, 3 did the division, to your knowledge, conduct any other 4 research related to SB 14 before Ms. McGeehan testified?</p> <p>5 A. I can't remember. There were some matching 6 exercises with -- with outside databases, but our staff 7 could never conclusively provide answers with any 8 confidence.</p> <p>9 Q. And I think -- I want to talk a little bit more 10 about that in a second. But is it the case that the 11 Secretary of State's Office had a jury wheel from DPS 12 since about October 2010? Does that sound correct to 13 you?</p> <p>14 A. I don't know the exact date, but we do have a 15 jury wheel.</p> <p>16 Q. And is it possible to match that jury wheel 17 with -- against TEAM?</p> <p>18 A. There's a process that the jury wheel goes 19 through, ma'am, not being a technical person, there is 20 some type of interaction. I can't specifically speak to 21 how those two match together.</p> <p>22 Q. Okay. I understand. Did you anticipate when 23 you went over to the Committee of the Whole with 24 Ms. McGeehan that she was going to be asked for 25 information about the number of voters who didn't have a</p>
<p style="text-align: right;">66</p> <p>1 A. Well, not all voter applications have driver's 2 license.</p> <p>3 Q. Right, so -- so, but in terms of where you 4 would get that -- that information for the voter 5 registration applications that did have driver's license 6 numbers or that did have another number written on it, 7 that information comes from TEAM, right?</p> <p>8 A. I would presume.</p> <p>9 Q. Okay. And as I think you just said, not every 10 voter registration application has a driver's license 11 number or a Social Security number, correct?</p> <p>12 A. That's what I've been told by staff.</p> <p>13 Q. And in fact, voters weren't required to supply 14 those numbers until 2006, correct?</p> <p>15 A. I don't know the exact date, was it 2006, but 16 I've been told that that was not a nonrequirement.</p> <p>17 Q. So information about voters who wrote or didn't 18 write a driver's license number or Social Security 19 number on a voter registration application, that 20 information is of limited use if you're trying to 21 determine who has a driver's license, correct?</p> <p>22 MR. SCOTT: Objection, form, foundation, 23 speculation.</p> <p>24 A. I'm not a technical person. I wouldn't know.</p> <p>25 Q. (By Ms. Maranzano) Now, besides updating the</p>	<p style="text-align: right;">68</p> <p>1 driver's license or ID card?</p> <p>2 A. I had no -- I made no anticipation whatsoever.</p> <p>3 Q. Did you recall that that had come up in 2009?</p> <p>4 A. Ma'am, I don't even remember 2009 much, and I 5 don't remember much of what happened that day.</p> <p>6 Q. Do you think that a match against -- of DPS 7 jury pool and TEAM would have been a more accurate way 8 to get the number of individuals who might not have a 9 driver's license than using the number of individuals 10 who wrote or didn't write a driver's license number on 11 their voter registration card?</p> <p>12 MR. SCOTT: Objection, form, calls for 13 speculation.</p> <p>14 A. I don't know.</p> <p>15 Q. (By Ms. Maranzano) When you were at -- at the 16 Capitol building on January 25th with Ms. McGeehan, did 17 you speak to legislators about SB 14 prior to her 18 testimony?</p> <p>19 MR. SCOTT: Objection, form, vague. I 20 mean he goes to the Capitol every day. Their office is 21 over there.</p> <p>22 Q. (By Ms. Maranzano) When you were there with 23 Ms. McGeehan prior to her testimony?</p> <p>24 A. Not that I recall.</p> <p>25 Q. You don't recall a conversation with Senator</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 Williams?</p> <p>2 A. No, ma'am, I don't recall one. I -- I just</p> <p>3 don't recall.</p> <p>4 MS. MARANZANO: Can you please mark this?</p> <p>5 (Exhibit 7 marked for identification.)</p> <p>6 A. When was this?</p> <p>7 Q. (By Ms. Maranzano) I'm showing you what we've</p> <p>8 marked as Deposition Exhibit 7.</p> <p>9 A. Okay.</p> <p>10 Q. This is an excerpt only, it's not the whole</p> <p>11 transcript, from the January 25th, 2011 Committee of the</p> <p>12 Whole proceeding.</p> <p>13 A. Okay.</p> <p>14 Q. On SB 14. Can you turn to Page 460?</p> <p>15 A. 460, okay.</p> <p>16 Q. Do you see that --</p> <p>17 A. Hold on. 460, okay.</p> <p>18 MR. SCOTT: And for the record, that's</p> <p>19 Bates Number TX 816.</p> <p>20 MS. MARANZANO: Thank you.</p> <p>21 Q. (By Ms. Maranzano) On Line 7, do you see that</p> <p>22 Senator Davis is asking a question of Ms. McGeehan about</p> <p>23 the number of voters who wrote down their driver's</p> <p>24 license on their voter registration application?</p> <p>25 A. Are you talking about Line 7 through 11?</p>	<p style="text-align: right;">71</p> <p>1 Q. Well, she says that it's an important issue to</p> <p>2 try to understand, correct?</p> <p>3 A. I'd have to go back and read it. I see it</p> <p>4 appears to me she asks, is there an intent to track it</p> <p>5 going forward.</p> <p>6 Q. And on Page 460, she actually asks if there is</p> <p>7 -- if the Secretary of State already breaks down that</p> <p>8 information.</p> <p>9 A. Ma'am, I don't know why she's asking these</p> <p>10 questions.</p> <p>11 Q. Okay. Do you know what Senator Davis's</p> <p>12 position on SB 14 was?</p> <p>13 MR. SCOTT: Objection, form, vague.</p> <p>14 Q. (By Ms. Maranzano) Do you know how she voted</p> <p>15 on SB 14?</p> <p>16 A. No, ma'am, I wasn't there when all the voting</p> <p>17 was going on.</p> <p>18 Q. Can you turn to page 489?</p> <p>19 A. 489, okay.</p> <p>20 Q. And if you can look at Senator Williams'</p> <p>21 comment which starts at Line 14.</p> <p>22 A. 14, okay.</p> <p>23 Q. Yeah. I want to focus your attention on what</p> <p>24 he says towards the bottom and then it goes on to the</p> <p>25 next page.</p>
<p style="text-align: right;">70</p> <p>1 Q. Yes.</p> <p>2 A. Okay.</p> <p>3 Q. And then do you see Ms. McGeehan talks about --</p> <p>4 can you just take a look at Ms. McGeehan's response?</p> <p>5 A. All right. Okay.</p> <p>6 Q. And do you see Ms. McGeehan, when she responds,</p> <p>7 she references the Hispanic surname, correct, on the</p> <p>8 bottom of the page?</p> <p>9 A. Okay.</p> <p>10 Q. And then Senator Davis talks about how she</p> <p>11 thinks this is an important issue, correct, on the next</p> <p>12 page, in terms of the implementation of this law and its</p> <p>13 impact?</p> <p>14 A. Okay.</p> <p>15 Q. Are you aware of whether the Secretary of</p> <p>16 State's Office had any follow-up with Senator Davis</p> <p>17 after this exchange?</p> <p>18 A. Ma'am, I don't -- I don't recall.</p> <p>19 Q. Is it fair to say that Senator Davis was</p> <p>20 interested in the demographics of registered voters?</p> <p>21 MR. SCOTT: Objection, form,</p> <p>22 speculation. Document speaks for itself.</p> <p>23 Q. (By Ms. Maranzano) Based on her questions?</p> <p>24 A. I don't know, I mean, I don't know what -- it</p> <p>25 is what it says.</p>	<p style="text-align: right;">72</p> <p>1 A. Okay.</p> <p>2 Q. And do you see he's referencing that he talked</p> <p>3 to Ms. McGeehan about a project to cross-reference the</p> <p>4 driver's license and voter registration?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And then do you see Ms. McGeehan talks about</p> <p>7 timing for that when she says she hopes to get a</p> <p>8 response to him by the end of the week?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Were you there during that testimony?</p> <p>11 A. Ma'am, I don't remember. I may have been in</p> <p>12 the room.</p> <p>13 Q. Okay.</p> <p>14 A. I may not have been.</p> <p>15 Q. Do you recall this request that was made by</p> <p>16 Senator Williams?</p> <p>17 A. I don't recall a specific request. I do recall</p> <p>18 our office attempting to cross-reference driver's</p> <p>19 license and voter registration.</p> <p>20 Q. Okay. Did you think that -- all right. And</p> <p>21 prior to Senator Williams' request on January 25th, are</p> <p>22 you aware of any other such request for this</p> <p>23 information?</p> <p>24 A. Like I said, I'm not aware of a specific</p> <p>25 request. I'm just aware of the exercise that -- the</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 exercises in trying to do cross-references between the 2 driver's license list and the voter registration list. 3 I'm not aware of how they all got started. 4 Q. Can you look at the bottom of Page 490, at 5 Senator Williams' comment? 6 A. 490? 7 Q. Uh-huh. Where he's -- 8 A. 490, okay. 9 Q. -- he's still in the same exchange that he's 10 having with Ms. McGeehan? 11 A. Okay. 12 Q. And do you see that he talks about -- he 13 suggests that they could make -- if we gave legislative 14 intent as part of the bill tomorrow, do you see that? 15 It's right at the very bottom? 16 A. Okay. 17 Q. He's talking about legislative intent for you 18 all. And then on the next page, and the Secretary of 19 State's Office to take that direction. Are you aware of 20 whether that legislative intent was ever included in SB 21 14? 22 A. Ma'am, I have no clue. 23 Q. And what he's saying is -- it looks like he's 24 talking about training plans and voter education plans, 25 correct, on Page 491?</p>	<p style="text-align: right;">75</p> <p>1 to try to -- try to make a match. I'm also aware that 2 we were not very successful at it. 3 (Exhibit 8 marked for identification.) 4 Q. (By Ms. Maranzano) I'm showing you what we've 5 marked as Deposition Exhibit 8. 6 A. Okay. 7 Q. If you'll look at this, the whole thing. 8 A. Okay. Let's see here. Okay. 9 Q. Have you ever seen this document before? 10 A. Ma'am, if I have, it's been so long ago, I 11 don't -- I don't remember the specifics of the document. 12 I remember the process. 13 Q. Can you look at the third page where there's a 14 question at the top and a discussion. 15 A. Uh-huh. 16 Q. Do you know if you've seen the content on this 17 page before? 18 A. I don't recall if I have. 19 Q. When you talked about the -- the attempt to do 20 a match -- 21 A. Uh-huh. 22 Q. -- is this write-up a write-up of that attempt 23 as far as you can tell? 24 A. Ma'am, I don't remember the actual numbers. I 25 just remember there were several attempts to do it, and</p>
<p style="text-align: right;">74</p> <p>1 A. He says if it's something you wanted to have 2 done in your training plans and voter education plans, 3 but I'm not sure really what he's referencing. 4 Q. Well, you can read the whole statement. And do 5 you see he says -- this is after he had asked 6 Ms. McGeehan about the -- the data matching. And then 7 he asks if she needs further direction. And then he 8 says, "For instance, if we wanted to target that 9 universe of people that we know are out there and maybe 10 make a little extra effort to make sure that they 11 understood they were going to have a new requirement 12 when they went to vote as far as getting a photo ID." 13 A. Uh-huh. 14 Q. Do you know if any legislative intent was put 15 into the bill? 16 A. Ma'am, I don't know. 17 Q. Do you know what Senator Williams' position on 18 SB 14 was? 19 MR. SCOTT: Object. If you know. 20 A. I -- this is with -- I can't tell you how the 21 actual senators voted on this bill. 22 Q. (By Ms. Maranzano) Okay. Now, I believe you 23 said that you're aware that a match was done between the 24 DPS database and the voter registration database? 25 A. I'm aware that our office made several attempts</p>	<p style="text-align: right;">76</p> <p>1 we got several different kind of answers. 2 Q. And who oversaw that process of matching the 3 databases? 4 A. That would have been a mixture of the elections 5 division and the IT division, but probably spearheaded 6 by the elections division. 7 Q. And would that have been then spearheaded by 8 Ann McGeehan? 9 A. Ann McGeehan or Karen Richards, I guess. 10 Q. Do you know who analyzed the results of the 11 match? 12 A. No, ma'am, I would presume their staff, but I 13 don't know specifically. 14 Q. Can you look at this at the first page? 15 A. Uh-huh. 16 Q. And do you see at the very top? 17 A. Uh-huh. 18 Q. There's a message from Ann McGeehan, and in 19 that message she says, "Attached is a draft summary that 20 I will send to Coby and John" -- 21 A. Uh-huh. 22 Q. -- "so they can distribute to legislative 23 folks." 24 A. Uh-huh. 25 Q. Does that refresh your recollection at all that</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 this may have been sent to you?</p> <p>2 A. Nuh-uh.</p> <p>3 Q. Do you believe that she meant Coby -- she meant</p> <p>4 you by that?</p> <p>5 MR. SCOTT: Objection, form, speculation.</p> <p>6 A. It would not -- John -- John -- I presume</p> <p>7 that's John that would have been our general counsel. I</p> <p>8 would not have distributed it to anyone.</p> <p>9 Q. (By Ms. Maranzano) Who would have distributed</p> <p>10 it to legislative folks?</p> <p>11 A. It would have either been Ann or her staff or</p> <p>12 John, who was dealing directly with the legislative</p> <p>13 affairs.</p> <p>14 Q. Would it surprise you to learn that</p> <p>15 Ms. McGeehan testified that she sent this to you and</p> <p>16 that she discussed it with you?</p> <p>17 A. It may have been discussed with me. I mean,</p> <p>18 the matching exercises, I remember visiting with our</p> <p>19 staff about the matching exercises. And I remember the</p> <p>20 staff consistently telling me that we were trying to</p> <p>21 match apples and oranges, and it wasn't giving</p> <p>22 information that the staff was comfortable with or had</p> <p>23 confidence in.</p> <p>24 Q. Okay. Who told you that specifically?</p> <p>25 A. Ma'am, I don't remember exactly who it was.</p>	<p style="text-align: right;">79</p> <p>1 successful or something that we could have confidence in</p> <p>2 the data that was being provided.</p> <p>3 Q. Were you aware when you discussed that with</p> <p>4 them that they were doing this to respond to legislative</p> <p>5 requests?</p> <p>6 A. Ma'am, I don't remember why they were doing</p> <p>7 this. This is 2011. I don't -- I didn't know if they</p> <p>8 were doing it for -- I don't recall if they were doing</p> <p>9 it for -- I guess -- by looking at the -- this was</p> <p>10 February, they were trying to answer somebody's</p> <p>11 questions. You know, we had several things going on at</p> <p>12 the same time. We had the Legislature, you got -- I</p> <p>13 don't know what -- I don't know what specific questions</p> <p>14 they were trying to answer. All I know is that there</p> <p>15 was a process going and they couldn't get an answer that</p> <p>16 anybody was confident of.</p> <p>17 Q. But you were aware that legislators had asked</p> <p>18 for this information, correct?</p> <p>19 A. Ma'am, I don't remember.</p> <p>20 Q. What was your reaction to the conclusion, which</p> <p>21 is on the third page, that 600 -- somewhere between</p> <p>22 678 -- 678,560 and 844,713 voters may not have been</p> <p>23 issued a Texas driver's license or ID?</p> <p>24 MR. SCOTT: Objection, form, foundation,</p> <p>25 and calls for speculation based upon his prior answer.</p>
<p style="text-align: right;">78</p> <p>1 Q. Was it IT individuals?</p> <p>2 A. Ma'am, I don't remember exactly who it was. I</p> <p>3 mean, there were so many different people working on</p> <p>4 these exercises, the IT people and the -- and I don't</p> <p>5 recall these exercises being solely related to this</p> <p>6 particular issue. I'm -- I'm talking about matching</p> <p>7 exercises where you're trying to take DPS and our</p> <p>8 database and match them together. And IT, Ann, all of</p> <p>9 them, when they would bring the information, there was</p> <p>10 always a different number. There was never a number</p> <p>11 that you could have confidence in.</p> <p>12 Q. Okay. Well, with regard to this matching</p> <p>13 exercise, in particular, with TEAM and the DPS database,</p> <p>14 who did you talk to who said they didn't have confidence</p> <p>15 in?</p> <p>16 A. As I said, I don't remember specifically.</p> <p>17 Other than the staff. It could have been Ann. It could</p> <p>18 have been the IT staff. It could have been our -- the</p> <p>19 elections division staff. It was staff. I don't recall</p> <p>20 every -- every meeting that came into my office. I just</p> <p>21 know that staff shared with me. It could have very well</p> <p>22 been Ann. It could have very well been our IT director.</p> <p>23 That the information, every time they matched it</p> <p>24 together, you always got a different answer. The</p> <p>25 matching -- the matching exercises did not appear to be</p>	<p style="text-align: right;">80</p> <p>1 Go ahead if you can.</p> <p>2 A. I don't think I understood your question.</p> <p>3 Q. (By Ms. Maranzano) Well, do you see the</p> <p>4 conclusion at the bottom of that page?</p> <p>5 A. Uh-huh.</p> <p>6 Q. What was your reaction to that conclusion?</p> <p>7 MR. SCOTT: Objection, form, foundation.</p> <p>8 The prior testimony was he didn't recall this document.</p> <p>9 Subject to that objection, you can answer.</p> <p>10 Q. (By Ms. Maranzano) You can answer.</p> <p>11 A. I mean, as I previously said, these exercises</p> <p>12 were not -- there was -- there was no one in our -- no</p> <p>13 one shared with me in our office that they had any</p> <p>14 confidence in these numbers. When the matching</p> <p>15 exercises were done, I was even told my name was on</p> <p>16 there. I know I have an ID.</p> <p>17 Q. So my question, though, is just about the</p> <p>18 numbers that you saw as part of this matching exercise.</p> <p>19 A. I don't remember the numbers that I saw. I</p> <p>20 just remember -- I remember staff consistently telling</p> <p>21 me we are comparing apples to oranges, and every time we</p> <p>22 do this, we come up with different answers.</p> <p>23 Q. And did you try to find out from the staff if</p> <p>24 there was a way to conduct the match in a more effective</p> <p>25 manner?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 A. Well, I -- I directives -- I mean, I didn't 2 direct -- I asked the staff to continue to work on it to 3 the best of their ability. 4 Q. Was there any other way to determine how many 5 registered voters might have a driver's license or ID? 6 A. I wouldn't know. 7 Q. Was that something you asked staff? 8 A. I don't recall having -- I don't recall that 9 conversation, as I consistently say, I just remember 10 staff working on this consistently and not being able to 11 come up with a definitive answer. 12 Q. So when -- when you were working on the 13 matching exercise, did you distribute the results that 14 you found to anybody? 15 MR. SCOTT: Objection, form, 16 mischaracterizes the evidence, misstates his 17 evidence. Also, assumes facts not in evidence. You can 18 answer if you can. 19 A. Did I give somebody something? 20 Q. (By Ms. Maranzano) Did you distribute the -- 21 the results from the matching exercises to anybody? 22 A. Not that I can recall ever doing. 23 Q. Did anybody in your office? 24 A. Ma'am, I don't know. 25 Q. Did you discuss the content of the matching</p>	<p style="text-align: right;">83</p> <p>1 Mr. Sepehri about whether or not to distribute 2 information from the matches to anybody? 3 A. Ma'am, I don't recall. Like I said, I recall 4 the information not being conclusive. And I recall them 5 continuing to work on it. 6 Q. So to the best of your knowledge, nobody ever 7 responded to Senator Williams' request? 8 A. I don't know if they did or if they didn't. 9 Q. And that's not something that would you have 10 followed up on yourself? 11 A. No, because I wasn't -- there wouldn't have 12 been a reason for me to follow up on it, because as I've 13 said before, the elections division and the people that 14 handle legislative affairs are the individuals in our 15 office that deal directly with the Legislature. 16 Q. Do you -- do you recall Ms. McGeehan seeking 17 approval to distribute the results of this matching 18 analysis to anybody? 19 A. She may have. 20 Q. And she would have got that from you, correct? 21 A. Not -- not necessarily directly to me. She 22 could have also talked to the Secretary. She could have 23 talked to the general counsel. 24 Q. Do you recall her asking you -- 25 A. Ma'am, I don't --</p>
<p style="text-align: right;">82</p> <p>1 with anybody? 2 A. Not that I can recall. 3 Q. Did you discuss the conclusions with anybody? 4 A. I don't -- the only conclusions I discussed was 5 with my staff, that I can recall, was you don't have a 6 conclusive answer. 7 Q. Did you talk to Ms. McGeehan about whether or 8 not she should distribute the information to anybody? 9 A. I don't remember. I mean, I think -- I don't 10 think we ever got to a point where we got a conclusive 11 answer. 12 Q. Did -- did you talk to -- is this John referred 13 to in the e-mail, John Sepehri? Is he who you referred 14 to when -- 15 MR. SCOTT: Objection, form, calls for 16 speculation. 17 A. I don't know if it's John Sepehri or if it's 18 John Mendoza. 19 Q. (By Ms. Maranzano) I believe that you 20 previously said that you thought that was the general 21 counsel? 22 A. It -- it -- back in 2011, I got to go back and 23 think who was general counsel then. It probably would 24 have been John Sepehri as our general counsel then. 25 Q. Do you recall if you had any conversations with</p>	<p style="text-align: right;">84</p> <p>1 Q. -- for approval? 2 A. -- I don't -- I remember -- I remember them 3 working through the exercise. I really don't remember 4 what all they were doing with it. I just remember they 5 were working through an exercise of doing matches. 6 Q. If Ms. McGeehan had presented this to you, 7 being the matching exercise, do you think she would have 8 believed she needed your approval before she could 9 distribute it? 10 MR. SCOTT: Objection, form, calls for 11 speculation. 12 A. Not -- I don't know. 13 Q. (By Ms. Maranzano) You don't recall your 14 conversation with Ms. McGeehan about the matching 15 exercise? 16 A. As specific as I recall them going through 17 several chances or several tries to get an answer, I 18 don't recall them ever getting a conclusive answer that 19 anyone had confidence in. 20 Q. Would it surprise you to learn that the 21 Lieutenant Governor testified that he was briefed on the 22 information contained in this document? 23 A. I -- I have no idea if he was or not. 24 Q. Did you have any concerns that the Legislature 25 had requested information and your office wasn't</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 responding to it?</p> <p>2 MR. SCOTT: Objection, form,</p> <p>3 mischaracterizes his evidence, asked and answered. And</p> <p>4 he's previously testified that he doesn't recall what</p> <p>5 happened and what information was requested by the</p> <p>6 Legislature.</p> <p>7 Q. (By Ms. Maranzano) You can answer.</p> <p>8 A. Well, I mean, I don't -- I don't -- I don't</p> <p>9 recall.</p> <p>10 Q. When you say that -- that comparing the</p> <p>11 databases was comparing apples and oranges -- actually,</p> <p>12 strike that.</p> <p>13 Would it have been possible to release the</p> <p>14 information that you found from doing this database</p> <p>15 matching analysis with a disclaimer about the accuracy?</p> <p>16 MR. SCOTT: Objection, form, speculation.</p> <p>17 A. I don't know.</p> <p>18 Q. (By Ms. Maranzano) You don't know if you could</p> <p>19 have done that?</p> <p>20 A. I mean, I would have to defer to staff to tell</p> <p>21 me.</p> <p>22 Q. What staff would you defer to, to tell you</p> <p>23 whether or not you could do that?</p> <p>24 A. Those involved in the process, elections,</p> <p>25 staff, or counsel in our office. I --</p>	<p style="text-align: right;">87</p> <p>1 wanted to get this information to a state where they</p> <p>2 could distribute it?</p> <p>3 A. I felt our staff was trying to the best of</p> <p>4 their ability to get something that they could rely on</p> <p>5 and that was good data. But through this process, and</p> <p>6 this is not a -- you're isolating it to a particular</p> <p>7 time that I can't -- can't pinpoint. This process of</p> <p>8 matching throughout the time that I've seen it at the</p> <p>9 agency, the answer -- the situation has always been the</p> <p>10 same, you can't do it. It doesn't -- it doesn't work.</p> <p>11 And the staff -- the issue of my saying apples and</p> <p>12 oranges, that is language that has been given to me by</p> <p>13 the staff. It's not my language. It's -- it's like</p> <p>14 comparing apples and oranges. We can't get conclusive</p> <p>15 evidence -- I mean, conclusive -- a conclusive answer.</p> <p>16 Q. And was the -- was the voter registration</p> <p>17 database compared to DPS for other reasons? I'm sorry,</p> <p>18 let me just rephrase, because I'm realizing that was not</p> <p>19 clear.</p> <p>20 Do you match the voter registration</p> <p>21 database to the DPS database for any other reasons apart</p> <p>22 from this exercise?</p> <p>23 A. Specifically, ma'am, I can't tell you</p> <p>24 specifically how our staff uses it and what they match</p> <p>25 it to without them specifically coming in and -- and</p>
<p style="text-align: right;">86</p> <p>1 Q. But aren't these people who directly report to</p> <p>2 you?</p> <p>3 A. Ann.</p> <p>4 Q. I'm sorry, what?</p> <p>5 A. Ann.</p> <p>6 Q. Are these people who --</p> <p>7 A. Meaning --</p> <p>8 Q. -- who report to you as a general matter?</p> <p>9 Or --</p> <p>10 A. They report to me, but they also are experts in</p> <p>11 their field. I'm not -- I'm not the expert. I'm the</p> <p>12 manager of the experts. And they will be able to tell</p> <p>13 me what they can and can't do. The particular scenario</p> <p>14 that you just outlined, I don't recall that ever being</p> <p>15 presented to me as an option.</p> <p>16 Q. So you never discussed that?</p> <p>17 A. I don't recall discussing that.</p> <p>18 Q. And isn't it fair to say that you could also</p> <p>19 present ideas to your staff?</p> <p>20 A. It is fair to say that, but when they are the</p> <p>21 experts in the area and they have more experience than I</p> <p>22 do dealing with the Legislature, because they've done</p> <p>23 that for years and years, I would rely on them to tell</p> <p>24 me what's the best approach to take.</p> <p>25 Q. Did you have the impression that your staff</p>	<p style="text-align: right;">88</p> <p>1 telling me what they matched it to.</p> <p>2 MS. MARANZANO: Why don't we take about 10</p> <p>3 minutes?</p> <p>4 THE WITNESS: That's fine.</p> <p>5 (Recess from 10:59 to 11:16 a.m.)</p> <p>6 Q. (By Ms. Maranzano) Okay. Before the break we</p> <p>7 were talking about a matching exercise.</p> <p>8 A. Uh-huh.</p> <p>9 Q. And you testified that you had some concerns</p> <p>10 about the accuracy of the results from the matching</p> <p>11 exercise, correct?</p> <p>12 A. Yes, for all the matching exercises.</p> <p>13 Q. Do you -- did you ever memorialize those</p> <p>14 concerns in any writing?</p> <p>15 A. I don't -- I don't recall. I mean, I think we</p> <p>16 -- ultimately, we had to provide some numbers to -- I</p> <p>17 think to your office as a result of some -- some</p> <p>18 litigation later on, and we shared that we went through</p> <p>19 this process but we had no confidence in those numbers</p> <p>20 that we were providing then as well.</p> <p>21 Q. Are you referring to the preclearance</p> <p>22 submission?</p> <p>23 A. I don't recall exactly what that document was</p> <p>24 attached to.</p> <p>25 Q. Okay. Any other instances that you wrote down</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 your concerns or had written communications about your 2 concerns about the accuracy of this matching? 3 A. It could possibly have happened, ma'am. I 4 don't remember any. 5 Q. Okay. 6 A. It could possibly have. 7 Q. Did you think that -- that the results of the 8 matching would have been less reliable to look at than 9 say the number of individuals who hadn't written their 10 driver's license number on their voter registration 11 application? 12 A. I don't know. This whole exercise -- my 13 apprehension about any of these exercises was driven by 14 the apprehension that staff had. If staff had concerns 15 about it, I had concerns about it. I wouldn't know how 16 to have concerns or not have concerns if staff wasn't. 17 Q. But I guess what I'm trying figure out is, how 18 did you weigh those concerns against the -- against the 19 fact that -- that there were requests for this 20 information? So you were trying to balance the concerns 21 about the accuracy with the fact that this information 22 had been requested? 23 A. I mean, I don't think I specifically, on my 24 own, was trying to balance anything. I think there was 25 a general consensus of everybody -- there appeared to be</p>	<p style="text-align: right;">91</p> <p>1 that. 2 Q. Now if Senator Williams had included language, 3 legislative language, as he suggested during the debate, 4 would your office have released these numbers even if 5 they thought they weren't totally accurate? 6 A. I don't know. I -- I don't -- I don't know 7 what he was trying to do. When you showed me this 8 document, I don't know what he was trying to accomplish. 9 Q. Did you ever discuss the matching exercises 10 with the Secretary of State? 11 A. I'm quite sure I did. 12 Q. And do you recall what her position was? 13 A. The same as mine: Allow the staff to continue 14 to work on it. 15 Q. And did the staff continue to work on the 16 matching exercise? 17 A. Ma'am, I presume they may have. I'm not really 18 sure how long they continued with it. During the 19 legislative session elections is not the only issue that 20 I'm concerned with, so. You know, where it -- where it 21 -- I just know we were dealing with the matching 22 exercises long after the Legislature was gone. We were 23 still dealing with it. 24 Q. And why were you dealing with the matching 25 exercises after the Legislature was gone?</p>
<p style="text-align: right;">90</p> <p>1 a general consensus of everybody involved, staff -- and 2 what they were doing with it, because I wasn't on 3 day-to-day involved with what was happening in the 4 Legislature -- that's not my job -- there was just an 5 overall concern that this is not working. 6 Q. So your recollection as you sit here is that 7 there was a general consensus among everybody involved 8 in the matching exercise that this was so inaccurate, 9 that it shouldn't be distributed? 10 A. Well, it was just so inaccurate. 11 Q. Okay. And that includes IT staff and elections 12 division staff? 13 A. As far as I remember. 14 Q. Can you think of anybody else that was 15 involved? 16 A. No, ma'am. I don't remember anything. 17 Q. Did Ms. McGeehan ever express any concerns to 18 you that not releasing this information would damage her 19 relationship with Senator Williams? 20 A. I don't recall anything like that. 21 Q. Were there any concerns raised to you that the 22 political ramifications of releasing the numbers 23 involved in the match would have been difficult given 24 that the bill was still under consideration? 25 A. I don't recall any type of conversations like</p>	<p style="text-align: right;">92</p> <p>1 A. Because as I've repeatedly said, no one could 2 get to a conclusive answer. And then there were other 3 requests that came in later from some legal processes 4 and there were requests that were made by the Department 5 of Justice, I believe, for this information, and we were 6 still going through the process of those apples and 7 oranges. 8 Q. I see. Do you recall if you discussed the 9 matching process with anyone in the Governor's Office? 10 A. I probably did discuss it probably some of the 11 staffers but it wouldn't have been in terms of -- this 12 is over the length of the process, not in terms of 13 legislation. I think my contact with the Governor's 14 Office or any other outside office on matching exercises 15 was probably after the -- after the Legislature had -- 16 what do you call it -- had finished up. 17 Q. So your conversation with the Governor's 18 Office about the matching would have been more of 19 subsequent issues that you were just be talking about? 20 A. Correct. 21 Q. Okay. And do you recall what the substance of 22 that conversation was? 23 A. The same as I've said before. 24 Q. Okay. 25 A. Nobody -- nobody could figure out to accurately</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 do it.</p> <p>2 Q. And did you ever consult with any IT specialist</p> <p>3 outside of the Secretary of State about this process?</p> <p>4 A. I don't recall if I did. Some of our IT staff</p> <p>5 have.</p> <p>6 Q. Was that anything you discussed with them or</p> <p>7 suggested to them that they might want to do?</p> <p>8 A. Ma'am, I -- I don't remember. I think, you</p> <p>9 know, there were so many different IT specialists and</p> <p>10 outside consultants that are in our office from time to</p> <p>11 time doing different things, they may have asked someone</p> <p>12 else how to do it. But the end sum is, nobody figured</p> <p>13 out how to do it.</p> <p>14 Q. Do you recall that when SB 14 -- well, do you</p> <p>15 recall what committee SB 14 was referred to in the</p> <p>16 House?</p> <p>17 A. No, ma'am, as I said, I was not that directly</p> <p>18 involved.</p> <p>19 Q. Okay.</p> <p>20 (Exhibit 9 marked for identification.)</p> <p>21 MS. MARANZANO: Okay. For the record,</p> <p>22 this also a highly confidential document and it is</p> <p>23 marked Exhibit 9.</p> <p>24 Q. (By Ms. Maranzano) Can you take a look at this</p> <p>25 document.</p>	<p style="text-align: right;">95</p> <p>1 A. That's what it says.</p> <p>2 Q. And in this e-mail, she says she hopes to have</p> <p>3 an analysis by Monday. Was there anything that occurred</p> <p>4 around February 25th that would lead Ms. McGeehan to</p> <p>5 believe that the analysis would have been released by</p> <p>6 Monday?</p> <p>7 A. Ma'am, I don't know.</p> <p>8 Q. You have no awareness of that?</p> <p>9 A. I have no what?</p> <p>10 Q. No awareness of this --</p> <p>11 A. I mean, I only based it on what she has written</p> <p>12 here.</p> <p>13 Q. But if she was going to send such an analysis</p> <p>14 to a -- to Representative Harless, would she have run</p> <p>15 that by you, do you think?</p> <p>16 A. She could have. But if she were going to run</p> <p>17 it by me, it would have been given to others in our</p> <p>18 executive office before it would have been given to me.</p> <p>19 Q. Such as?</p> <p>20 A. Our general counsel.</p> <p>21 Q. And is your general counsel -- it looks like he</p> <p>22 was cc'd on this e-mail, right?</p> <p>23 A. He is.</p> <p>24 Q. So in February -- on February 25th, is there</p> <p>25 anything that you recall that -- do you recall that you</p>
<p style="text-align: right;">94</p> <p>1 A. Uh-huh.</p> <p>2 Q. Have you ever seen this before?</p> <p>3 A. Not that I can recall, ma'am.</p> <p>4 Q. Can you look at the second to last paragraph on</p> <p>5 the first page.</p> <p>6 A. Second to the last?</p> <p>7 Q. Yeah.</p> <p>8 A. Okay.</p> <p>9 Q. Do you see Ms. McGeehan is talking about the</p> <p>10 numbers of voters who have not been issued Texas</p> <p>11 driver's license or personal ID cards?</p> <p>12 A. Okay.</p> <p>13 Q. Do you see she says that they're still working</p> <p>14 with the IT department to analyze that data?</p> <p>15 A. Uh-huh.</p> <p>16 Q. As of February 25, would you say that was an</p> <p>17 accurate assessment?</p> <p>18 A. What was? What --</p> <p>19 Q. That she was -- that they were still working</p> <p>20 with the IT department to analyze the data about who had</p> <p>21 not had a Texas driver's license or personal ID card</p> <p>22 issued by DPS?</p> <p>23 A. It appeared to be an ongoing process.</p> <p>24 Q. And this e-mail, it says at top, was sent on</p> <p>25 Friday, February 25th, right?</p>	<p style="text-align: right;">96</p> <p>1 -- that your office was feeling comfortable enough with</p> <p>2 the match they were going to release it?</p> <p>3 A. No, ma'am, I don't recall.</p> <p>4 Q. Okay. Do you recall that Ms. McGeehan</p> <p>5 testified before the House Select Committee on Voter</p> <p>6 Identification and Voter Fraud on March 1st, 2011?</p> <p>7 A. Ma'am, I don't know when she testified.</p> <p>8 Q. Okay. Do you recall that she did testify</p> <p>9 there?</p> <p>10 A. Testified where?</p> <p>11 Q. Before the House Select Committee on Voter</p> <p>12 Identification and Voter Fraud?</p> <p>13 A. Would that be the -- are you talking about the</p> <p>14 Committee of the Whole or?</p> <p>15 Q. No, I'm talking about a specific committee in</p> <p>16 the House of Representatives.</p> <p>17 A. Where she specifically testified, I did not</p> <p>18 keep a record of where staff went and who they testified</p> <p>19 before.</p> <p>20 Q. Okay.</p> <p>21 A. She very well could have.</p> <p>22 Q. Okay, okay. Did you talk to her before she</p> <p>23 went and testified in the House of Representatives on SB</p> <p>24 14?</p> <p>25 A. If I did, it was for her to potentially update</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 me on what was going on.</p> <p>2 Q. Did she seek authorization from you to release</p> <p>3 this data?</p> <p>4 A. Ma'am, I don't remember. As I said, I remember</p> <p>5 them consistently working on the product.</p> <p>6 Q. So you don't recall as to whether or not you</p> <p>7 all discussed how she should respond if she was asked</p> <p>8 about the number of individuals without Texas driver's</p> <p>9 license or ID?</p> <p>10 A. No, ma'am.</p> <p>11 Q. And would you say on March 1st, it would have</p> <p>12 been accurate to say that the IT department was working</p> <p>13 on that analysis?</p> <p>14 MR. SCOTT: Objection, form.</p> <p>15 A. I don't know.</p> <p>16 Q. (By Ms. Maranzano) Is that your understanding</p> <p>17 of where the data matching process was at on March 1st?</p> <p>18 A. My understanding of the process is that it was</p> <p>19 an ongoing process. It was never conclusively completed</p> <p>20 or finished at a point where -- when I say completed,</p> <p>21 completed upon where there was any confidence that it</p> <p>22 was accurate. Every time they did it, they got a</p> <p>23 different answer.</p> <p>24 Q. So would you say on March 1st, an accurate</p> <p>25 response to a question about who had a Texas driver's</p>	<p style="text-align: right;">99</p> <p>1 A. That's what it says.</p> <p>2 Q. Do you see that she was asked about whether or</p> <p>3 not a match had been done with the driver's license file</p> <p>4 to determine who had a -- which registered voters had a</p> <p>5 driver's license?</p> <p>6 A. Yes.</p> <p>7 Q. And she responds that the IT that her -- IT --</p> <p>8 or, "Our IT department is looking at that"?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Do you believe that's an accurate statement of</p> <p>11 what was occurring on March 1, 2011?</p> <p>12 MR. SCOTT: Objection, speculation.</p> <p>13 A. I can only go by what Ms. McGeehan is saying</p> <p>14 here.</p> <p>15 Q. (By Ms. Maranzano) But at that point, she had</p> <p>16 already -- there had already been a database matching</p> <p>17 exercise, correct?</p> <p>18 A. I -- I can't remember the times when all of</p> <p>19 these things were being done.</p> <p>20 Q. Well, if you look at Exhibit 8, that has the</p> <p>21 date February 1st at the top.</p> <p>22 A. Okay. Okay.</p> <p>23 Q. So as of February 1st, there had been already</p> <p>24 been some analysis conducted, correct?</p> <p>25 A. There had been some attempts to match that were</p>
<p style="text-align: right;">98</p> <p>1 license or ID would have been that an analysis had been</p> <p>2 done but it wasn't at a point yet to be released?</p> <p>3 MR. SCOTT: Objection, form, speculation.</p> <p>4 A. I don't know what I would have said on March</p> <p>5 the -- March 1. Or what the answer should have been on</p> <p>6 March 1 or not.</p> <p>7 MS. MARANZANO: Can we mark this.</p> <p>8 (Exhibit 10 marked for identification.)</p> <p>9 A. So are we through with this one?</p> <p>10 Q. (By Ms. Maranzano) Okay. I'm showing you what</p> <p>11 we marked as Exhibit 10.</p> <p>12 A. Okay.</p> <p>13 Q. If you could turn to Page 290.</p> <p>14 A. 290.</p> <p>15 Q. On Line 9, there's a question and then there's</p> <p>16 Ms. McGeehan response. If you could look at and let me</p> <p>17 know when you're ready.</p> <p>18 A. Okay.</p> <p>19 MR. SCOTT: What page again?</p> <p>20 MS. MARANZANO: 290.</p> <p>21 A. Okay.</p> <p>22 Q. (By Ms. Maranzano) Now does this -- to start</p> <p>23 with, does this look like its Ms. McGeehan's testimony</p> <p>24 to the House Select Committee on Voter Identification</p> <p>25 and Voter Fraud from March 1st, 2011?</p>	<p style="text-align: right;">100</p> <p>1 -- that staff could not be conclusive about.</p> <p>2 Q. So I -- I guess what I'm wondering is why</p> <p>3 Ms. McGeehan didn't respond during committee that there</p> <p>4 had already been an attempt to match conducted.</p> <p>5 MR. SCOTT: Objection, form.</p> <p>6 A. Ma'am, I wasn't there.</p> <p>7 MR. SCOTT: Wait. She didn't ask a</p> <p>8 question.</p> <p>9 Q. (By Ms. Maranzano) Do you have any concerns</p> <p>10 that Ms. McGeehan misled the House Select Committee on</p> <p>11 Voter Identification and Voter Fraud?</p> <p>12 MR. SCOTT: Objection, form. The record</p> <p>13 speaks for itself.</p> <p>14 A. I mean, she says what she says. I don't feel</p> <p>15 she would have misled anyone.</p> <p>16 Q. (By Ms. Maranzano) And to the best of your</p> <p>17 knowledge, between January 25, 2011, and May 27, 2011,</p> <p>18 when SB 14 was signed into law, was anyone other than</p> <p>19 the Lieutenant Governor provided with the matching</p> <p>20 results?</p> <p>21 A. I'm not aware of the Lieutenant Governor -- I'm</p> <p>22 personally not aware of the Lieutenant Governor being</p> <p>23 given information. I can't recall him getting it. So I</p> <p>24 don't know --</p> <p>25 Q. Anybody else, anybody outside the Secretary of</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

26 (Pages 101 to 104)

<p style="text-align: right;">101</p> <p>1 State's Office?</p> <p>2 A. I don't know -- I don't recall anyone.</p> <p>3 Q. Okay.</p> <p>4 A. I don't remember.</p> <p>5 Q. And did you have any conversations with Senator</p> <p>6 Williams, did he follow up at all with you, personally,</p> <p>7 about the --</p> <p>8 A. None that I can recall.</p> <p>9 Q. And did anybody in your office tell you that he</p> <p>10 followed up with them about the status of his request?</p> <p>11 A. None that I can -- no, none that I can recall</p> <p>12 at all.</p> <p>13 Q. Can you identify any other occasion on which</p> <p>14 the Secretary of State's Office completed an analysis</p> <p>15 based on a legislator's request and they did not provide</p> <p>16 the analysis to the legislator?</p> <p>17 MR. SCOTT: Objection form,</p> <p>18 mischaracterizes the evidence, misstates the evidence</p> <p>19 and it's argumentative based on the form of the</p> <p>20 question.</p> <p>21 You may answer if you can.</p> <p>22 A. I don't recall anything like that.</p> <p>23 Q. (By Ms. Maranzano) You don't recall that that</p> <p>24 happened?</p> <p>25 A. I don't recall what happened?</p>	<p style="text-align: right;">103</p> <p>1 Q. Do you know who Mr. Beuck is?</p> <p>2 A. No, ma'am, I do not.</p> <p>3 Q. Do you know if Representative Harless was on</p> <p>4 the Conference Committee for SB 14?</p> <p>5 A. I -- I don't recall who was on the Conference</p> <p>6 Committee.</p> <p>7 Q. Was Representative Harless the House sponsor of</p> <p>8 SB 14?</p> <p>9 A. I don't recall because I wasn't involved.</p> <p>10 Q. Do you see that Mr. Beuck says that he's</p> <p>11 waiting to hear from OAG and SOS on Monday morning about</p> <p>12 these amendments.</p> <p>13 A. I see where he says he's "Waiting to hear from</p> <p>14 OAG and SOS Monday morning."</p> <p>15 Q. Are you aware of whether anyone in your office</p> <p>16 reviewed these amendments?</p> <p>17 MR. SCOTT: Objection, form, vague.</p> <p>18 A. I'm not aware.</p> <p>19 Q. (By Ms. Maranzano) You didn't review either of</p> <p>20 these amendments --</p> <p>21 A. No, ma'am.</p> <p>22 Q. -- correct?</p> <p>23 Why would the Secretary of State's Office</p> <p>24 have been giving input on amendments to a bill?</p> <p>25 A. We would only answer -- our staff would only</p>
<p style="text-align: right;">102</p> <p>1 Q. That -- that you completed analysis --</p> <p>2 A. Ma'am, as I keep telling you --</p> <p>3 MR. SCOTT: Let her finish the question.</p> <p>4 Q. (By Ms. Maranzano) -- based on a legislator's</p> <p>5 request and then didn't provide that analysis of the</p> <p>6 request?</p> <p>7 MR. SCOTT: Same objection.</p> <p>8 A. I mean, I don't recall what all went into --</p> <p>9 what all happened to it other than it didn't work.</p> <p>10 Q. (By Ms. Maranzano) Did you -- did you monitor</p> <p>11 the amendments at all to SB 14?</p> <p>12 A. No, ma'am. It's not my role.</p> <p>13 (Exhibit 11 marked for identification.)</p> <p>14 Q. (By Ms. Maranzano) I'm showing you what we've</p> <p>15 marked as Deposition Exhibit 11.</p> <p>16 MS. MARANZANO: For the record, this is</p> <p>17 also a highly confidential document.</p> <p>18 Q. (By Ms. Maranzano) Have you ever seen this</p> <p>19 e-mail before?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Can you -- can you look at the first sentence</p> <p>22 of the e-mail. Well, do you see this is an e-mail from</p> <p>23 Mr. Beuck to Representative Harless?</p> <p>24 A. I see that it's a -- yeah, a gentleman, and to</p> <p>25 Representative Harless, okay.</p>	<p style="text-align: right;">104</p> <p>1 answer questions that a legislator had.</p> <p>2 Q. How many times during your tenure has your</p> <p>3 office responded to questions about amendments on a</p> <p>4 bill?</p> <p>5 A. I have no idea. I don't keep account of that.</p> <p>6 Q. Okay. Do you have an approximation --</p> <p>7 A. No, ma'am.</p> <p>8 Q. -- is that a common occurrence?</p> <p>9 A. Legislators call election staff, legislators</p> <p>10 call other members, other staff, as do other agencies,</p> <p>11 wanting to know various questions about various</p> <p>12 things. To qualify or -- I mean to quantify in terms of</p> <p>13 a number, I don't have a clue.</p> <p>14 Q. Okay. Can you take a look at the -- the second</p> <p>15 amendment that's discussed in this e-mail.</p> <p>16 A. Okay. Which one's the first one?</p> <p>17 Q. It is Gonzales Amendment FA 26.</p> <p>18 A. Okay. Okay.</p> <p>19 Q. And it's talking about affidavits being</p> <p>20 executed on provisional ballots, correct?</p> <p>21 A. I'm not really sure what it's talking about.</p> <p>22 Q. Do you see it says, talking about "Amendment</p> <p>23 applies to affidavits executed when people are claiming</p> <p>24 the indigent/religious exemption"?</p> <p>25 A. Okay.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

27 (Pages 105 to 108)

<p style="text-align: right;">105</p> <p>1 Q. "Under the amendment, someone could sign an 2 affidavit statement at the polling place the day of 3 election stating that they don't have ID because -- " 4 well, " -- be because indigent/religious objections, then 5 vote provisionally." 6 A. Okay. 7 Q. Now, is there any reason why SB 14 could not 8 have provided that an individual without an ID could 9 sign an affidavit? 10 A. I wouldn't know. 11 MR. SCOTT: Object, form, speculation. 12 Q. (By Ms. Maranzano) Do you know if prior to SB 13 14, provisional ballot was counted based on a signature 14 match? 15 A. You would have to ask our elections staff. I 16 wouldn't know. 17 Q. Okay. Do you know how it's determined whether 18 absentee ballots are counted or not? 19 A. Not specifically, no, ma'am. 20 (Exhibit 12 marked for identification.) 21 A. Which one was this? 11. Okay. Okay. 22 Q. (By Ms. Maranzano) Okay. I'm showing you what 23 we marked as Deposition Exhibit 12. 24 MS. MARANZANO: For the record, this is 25 also a highly confidential document.</p>	<p style="text-align: right;">107</p> <p>1 as that was included in the final version of SB 14? 2 A. Ma'am, I don't know. 3 Q. Okay. Other than the two amendments that we 4 just discussed, are you aware of whether the Secretary 5 of State expressed an opinion on any other legislative 6 amendments to SB 14? 7 A. None that I'm aware of. 8 Q. Did you -- you were ever informed of an 9 amendment offered by Senator Ellis that would have 10 required the Secretary of State to study the impact of 11 SB 14 on particular populations? 12 A. If I was informed, I don't remember. 13 Q. You didn't provide any impact -- 14 A. No, ma'am. 15 Q. -- input on that amendment? 16 Just a reminder that we should try not to 17 talk over each other. 18 MR. SCOTT: She's making sure that you 19 understand that I have a chance to get an objection in. 20 If you don't -- if you say it too quick, I don't get 21 that objection in. 22 Q. (By Ms. Maranzano) Okay. And also so the court 23 reporter can get an accurate transcript. 24 MR. SCOTT: What? 25 (Laughter.)</p>
<p style="text-align: right;">106</p> <p>1 Q. (By Ms. Maranzano) If you can take a look at 2 that for a moment. 3 A. Okay. 4 Q. Okay. Does this appear to you to be another 5 e-mail from Mr. Beuck to Representative Harless? 6 A. It appears to be. 7 Q. Do you see in that second paragraph, there's a 8 discussion of the Conference Committee removing a 9 requirement that the SOS education efforts be targeted 10 at low income and minority voters? 11 A. I see that. 12 Q. And then there's a comment that says, "OAG/SOS 13 concerns." Are you aware of whether the Secretary of 14 State's Office expressed concerns about an amendment to 15 target education efforts of low income and minority 16 voters? 17 A. I'm not aware. 18 Q. If concerns had been expressed about that, 19 would that have been something that was approved by you 20 or authorized by you? 21 A. It depends on what the concerns were. I'm not 22 aware of having conversation on a -- a Conference 23 Committee report about anything related to Senate Bill 24 14. 25 Q. Okay. Are you aware of whether provisions such</p>	<p style="text-align: right;">108</p> <p>1 A. Did I talk over you? I'm sorry. Please 2 forgive me. 3 Q. (By Ms. Maranzano) No, no, absolutely. I 4 think that you're anticipating the end of my question, 5 but. 6 A. No, I'm not, I'm just -- I know what I know, 7 and... 8 Q. If the Legislature had passed an amendment that 9 would have required the Secretary of State to study the 10 impact of SB 14 to determine if racial and ethnic 11 minorities suffered a disparate impact pursuant to the 12 amendments Senator Ellis offered, would you have been 13 able to do that? 14 MR. SCOTT: Objection, form, speculation. 15 You can go ahead. 16 A. I don't know who would have. We do what -- you 17 know, if the Legislature passes a bill, we try to the 18 best of our ability to do what they ask us to do. How 19 it would get done, I don't know. 20 Q. (By Ms. Maranzano) Do you believe that you have 21 any responsibility to determine the effect of SB 14 on 22 minority voters? 23 A. I think we have a -- we have a responsibility 24 to determine the effect on all voters. 25 THE COURT REPORTER: I'm sorry?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

28 (Pages 109 to 112)

<p style="text-align: right;">109</p> <p>1 A. On all voters.</p> <p>2 Q. (By Ms. Maranzano) And are you taking steps to</p> <p>3 try to determine the effect of SB 14 on all voters?</p> <p>4 A. Well, we're trying to the best of our ability</p> <p>5 to implement the bill as the Legislature has passed it,</p> <p>6 and then share with the Legislature -- if there are any</p> <p>7 concerns, share with the Legislature those concerns as</p> <p>8 they come forward. I don't -- I haven't been apprised</p> <p>9 of any major concerns that have been brought forward on</p> <p>10 SB 14. We just try to implement what the Legislature</p> <p>11 passed.</p> <p>12 Q. And when you said you haven't been apprised of</p> <p>13 any major concerns that have come forward, do you mean</p> <p>14 like major concerns on the elections that the State has</p> <p>15 held, or what are -- what are you referring to?</p> <p>16 A. Well, we haven't -- it hasn't -- we have where</p> <p>17 there have been isolated incidents of individuals having</p> <p>18 -- that we've heard of in the media, but they have been</p> <p>19 corrected. We haven't seen any problems.</p> <p>20 Q. What sort of isolated incidents are you talking</p> <p>21 about?</p> <p>22 A. Well, you hear of people going to get an ID and</p> <p>23 they didn't have the proper documentation. However, the</p> <p>24 situation was remedied because once they were able to</p> <p>25 get the proper documentation, they were able to get an</p>	<p style="text-align: right;">111</p> <p>1 recall what exercise it was specifically related to, but</p> <p>2 I do recall our office sharing with -- with the</p> <p>3 requesting entity that this is not reliable information.</p> <p>4 Q. Okay. Okay. But I -- I think my question is</p> <p>5 slightly different than that. I'm wondering if you have</p> <p>6 any reason to that believe it wasn't the best available</p> <p>7 information you could provide, not whether it was a</p> <p>8 hundred percent accurate?</p> <p>9 A. What do you mean -- what do you mean by best</p> <p>10 available?</p> <p>11 Q. I mean, was there any other information</p> <p>12 available to you that you could provide to get this</p> <p>13 information of potentially the number of people who had</p> <p>14 driver's licenses?</p> <p>15 A. As far as -- as far as I know, we gave you all</p> <p>16 what we had. As far as I knew.</p> <p>17 Q. Do you know if a Spanish surname analysis was</p> <p>18 conducted when you submitted that information?</p> <p>19 A. I can't remember, ma'am.</p> <p>20 Q. Are you aware of any problems with in-person</p> <p>21 voter fraud in the November 2012 election?</p> <p>22 A. That would -- I would have to defer to our</p> <p>23 elections division. I don't remember the specific --</p> <p>24 there are -- the specific issues that came up, I don't</p> <p>25 remember specifically what they were.</p>
<p style="text-align: right;">110</p> <p>1 ID.</p> <p>2 Q. Okay. So you've heard of isolated incidents of</p> <p>3 individuals having issues getting ID. But as you sit</p> <p>4 here today, you're not aware of any other problems with</p> <p>5 the effect of SB 14 on voters?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Okay.</p> <p>8 A. I'm not aware.</p> <p>9 Q. Were you involved at all in the submission of</p> <p>10 SB 14 to the Department of Justice under Section 5 for</p> <p>11 preclearance?</p> <p>12 A. Our staff would have done that. My involvement</p> <p>13 would have been like on other preclearance, them letting</p> <p>14 me know that they were doing it.</p> <p>15 Q. And did they submit to the department -- I</p> <p>16 believe you referenced that they might have, but did</p> <p>17 they submit a -- one of the results from one of the</p> <p>18 matching exercises?</p> <p>19 A. I'm not sure if that was a part of preclearance</p> <p>20 or if it were a part of some other pending litigation.</p> <p>21 Q. And when that was submitted to the department,</p> <p>22 did you have any reason to believe that wasn't the best</p> <p>23 available information that you could provide?</p> <p>24 A. Yes. And we shared -- when we submitted that</p> <p>25 information -- and I don't know what exercise -- I can't</p>	<p style="text-align: right;">112</p> <p>1 Q. Do you -- you don't remember specifically what</p> <p>2 they were, what incidents came up?</p> <p>3 A. I don't remember the specifics of the incidents</p> <p>4 that came up. I don't know -- for instance, the</p> <p>5 election staff, if they received those, they forwarded</p> <p>6 it to the appropriate agencies.</p> <p>7 Q. As you sit here today, are you aware of any</p> <p>8 allegations of in-person voter impersonation in the</p> <p>9 November 2012 election?</p> <p>10 A. I can't remember. I mean, I --</p> <p>11 Q. Okay. Did any legislator ask you or your</p> <p>12 office for information about in-person voter fraud in</p> <p>13 November 2012, in the November 2012 election?</p> <p>14 A. I don't know if they did or not.</p> <p>15 Q. Are you aware of any facts that indicate that</p> <p>16 the system wasn't working in the November 2012 election?</p> <p>17 A. What system?</p> <p>18 Q. The system in place to verify a voter's</p> <p>19 identity.</p> <p>20 A. Ask the question again.</p> <p>21 Q. Are you aware of any facts that indicate that</p> <p>22 the system to verify a voter's identity, in place in the</p> <p>23 November 2012 election, was not working?</p> <p>24 A. The November 2012. Was that pre-Voter ID or</p> <p>25 post-Voter ID?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

29 (Pages 113 to 116)

<p style="text-align: right;">113</p> <p>1 Q. In November 2012, I'll represent to you that</p> <p>2 the Voter ID bill had not been implemented yet.</p> <p>3 A. So what I'm -- I don't understand what you're</p> <p>4 asking. Are you asking me --</p> <p>5 Q. If there are any facts that came out of that</p> <p>6 election that indicate to you that --</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. What has your role been in implementing</p> <p>9 SB 14?</p> <p>10 A. My role has been making sure that our staff has</p> <p>11 the resources available to implement the parts of the</p> <p>12 bill that apply to the Secretary of State's Office.</p> <p>13 Q. And what parts are those?</p> <p>14 A. Off the top of my head, I cannot give you an</p> <p>15 exhaustive list, but after a bill is passed, there are</p> <p>16 certain duties that are given to the different</p> <p>17 agencies. We have a role in voter education and we have</p> <p>18 a role in making sure that -- educating the counties,</p> <p>19 educating the election workers statewide as to what the</p> <p>20 new changes have been in -- since the last legislative</p> <p>21 session, and getting ready for the next election</p> <p>22 cycle. My role is to make sure that the staff has the</p> <p>23 resources, the computers, the -- you know, the tangible,</p> <p>24 physical things they need to do their jobs on a daily</p> <p>25 basis.</p>	<p style="text-align: right;">115</p> <p>1 A. Well, it's not our program, it's the DPS</p> <p>2 program. We just -- we're helping them to get the word</p> <p>3 out, here's what's happening, and helping them to</p> <p>4 establish their program.</p> <p>5 Q. So is there any guideline or procedure for that</p> <p>6 responsibility or is that something that your office is</p> <p>7 just taking on?</p> <p>8 A. What do you mean by guideline, procedure?</p> <p>9 Q. I'm wondering how -- how the responsibilities</p> <p>10 in the EIC program are split up, how that -- who decides</p> <p>11 who has what authority, is that a regulation, a</p> <p>12 guideline, a procedure?</p> <p>13 A. Well, it's not really a regulatory --</p> <p>14 MR. SCOTT: Excuse me. Let me object to</p> <p>15 form.</p> <p>16 But go ahead.</p> <p>17 A. I don't understand it as being a regulatory</p> <p>18 function. It's a -- our office uses it as a marketing</p> <p>19 opportunity to get the word out.</p> <p>20 Q. (By Ms. Maranzano) So is --</p> <p>21 A. We don't have a statutory obligation on -- on</p> <p>22 EIC.</p> <p>23 Q. Okay. Has -- what are the steps the Secretary</p> <p>24 of State has taken to ensure that individuals who seek</p> <p>25 an EIC can obtain one?</p>
<p style="text-align: right;">114</p> <p>1 Q. Have -- has your office had a role in the EIC</p> <p>2 program?</p> <p>3 A. Yes, we have.</p> <p>4 Q. And what role has that been?</p> <p>5 A. To assist the DPS in development of -- excuse</p> <p>6 me, of that program.</p> <p>7 Q. How have you assisted DPS?</p> <p>8 A. Well, collaboratively working with them to</p> <p>9 develop partnerships between them and the counties so</p> <p>10 that they can -- we have those relationships with county</p> <p>11 elections administrators, and we've been able to work</p> <p>12 those counties statewide to help them in determining</p> <p>13 additional places where they could have their EIC</p> <p>14 locations.</p> <p>15 Q. Has the Governor's Office had any role in the</p> <p>16 EIC program?</p> <p>17 A. The role of no more than keeping them informed</p> <p>18 as to what we were doing.</p> <p>19 Q. Has the Lieutenant Governor's Office had any</p> <p>20 role in --</p> <p>21 A. Just in us keeping them informed with what</p> <p>22 we're doing.</p> <p>23 Q. Has -- where did the authority that the</p> <p>24 Secretary of State's Office has with regard to the EIC</p> <p>25 program come from?</p>	<p style="text-align: right;">116</p> <p>1 A. Well, we have a marketing -- a marketing</p> <p>2 campaign that is seeking to inform Texas voters of what</p> <p>3 the requirements are. We -- so that's a campaign that's</p> <p>4 ongoing right now. We've worked with DPS to market EICs</p> <p>5 and help them get the word out on EICs. And we are</p> <p>6 educating county officials and elections officials on --</p> <p>7 based on what Senate Bill 14 says. "Here's how you are</p> <p>8 to operate your local elections with these new</p> <p>9 requirements."</p> <p>10 Q. Did you work with DPS on the implementation of</p> <p>11 mobile EIC units?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Did you work with DPS on the instigation of</p> <p>14 some hours on Saturdays where DPS would issue EICs?</p> <p>15 A. Well, when you say work with them, we -- that</p> <p>16 was a part of the whole -- that whole strategy of making</p> <p>17 time available.</p> <p>18 Q. That was DPS's -- part of DPS's strategy?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And that was -- again, that was suggested to</p> <p>21 them by the Secretary of State's Office?</p> <p>22 A. I think when we started working with them, they</p> <p>23 already had that idea themselves, if I recall correctly.</p> <p>24 Q. Did you consider -- well, are there any other</p> <p>25 efforts that you're working on with regard to the EIC</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

30 (Pages 117 to 120)

<p style="text-align: right;">117</p> <p>1 program?</p> <p>2 A. No. None other than this, what we're currently</p> <p>3 doing.</p> <p>4 Q. And did you consider other options in terms of</p> <p>5 ensuring people could get EICs that you didn't end up</p> <p>6 implementing?</p> <p>7 A. None that I can remember. Just trying to get</p> <p>8 these that we were doing off the ground.</p> <p>9 Q. Do you believe that the Secretary of State's</p> <p>10 Office has the responsibility to ensure that individuals</p> <p>11 who are eligible for an EIC are able to obtain one?</p> <p>12 A. What do you mean?</p> <p>13 Q. Do you believe that it's part of your office's</p> <p>14 responsibility to ensure that somebody who is eligible</p> <p>15 to get an EIC is actually able to do so?</p> <p>16 A. I think our role is to inform the individuals.</p> <p>17 The role on issuing EIC is not a function of the</p> <p>18 Secretary of State's Office, it's a function of our</p> <p>19 sister agency, Department of Public Safety. What we</p> <p>20 were doing in this effort is casting a broad net, and as</p> <p>21 we educate people on the upcoming cycle, allow them to</p> <p>22 know that you have a -- you have this Election</p> <p>23 Identification Certificate available to you if you don't</p> <p>24 have one of these other forms of identification.</p> <p>25 Q. So you view the Secretary of State's role as</p>	<p style="text-align: right;">119</p> <p>1 A. You know, I guess when we entered it, we didn't</p> <p>2 enter it to terminate it.</p> <p>3 Q. Is there any legal requirement that the</p> <p>4 Secretary of State's Office and the DPS offer mobile EIC</p> <p>5 centers to voters for future elections?</p> <p>6 A. There's none that I'm aware of.</p> <p>7 Q. Would you say that the mobile EIC program is</p> <p>8 under discretion of the Secretary of State and DPS?</p> <p>9 A. I would -- I would say it's under the -- it's</p> <p>10 really a discretion more of the DPS and how they want us</p> <p>11 to continue to help them.</p> <p>12 Q. How were the locations for the mobile units</p> <p>13 selected?</p> <p>14 A. I can't give you -- we looked at different</p> <p>15 parts of the state. You know, we didn't have -- we</p> <p>16 looked at population areas, we looked at -- you know, we</p> <p>17 had this list of potential non-matches but didn't really</p> <p>18 know what that meant, and so you started looking on zip</p> <p>19 codes and where are the potential non-matches and you --</p> <p>20 and then we visited with local county elections</p> <p>21 administrators to initially decide who wanted to help in</p> <p>22 this effort initially and how we could work with them.</p> <p>23 Most of them were excited about the possible idea</p> <p>24 because we felt like -- everybody felt like we were</p> <p>25 dealing with the unknown. And they helped us determine</p>
<p style="text-align: right;">118</p> <p>1 more of the education and outreach role?</p> <p>2 A. That's what we were statutory designated to do.</p> <p>3 Q. Okay. Did -- did the Department of Public</p> <p>4 Safety and the Secretary of State's Office enter a</p> <p>5 memorandum of understanding regarding DPS-operated</p> <p>6 mobile units?</p> <p>7 A. I believe we did, yes.</p> <p>8 (Exhibit 13 marked for identification.)</p> <p>9 A. Okay.</p> <p>10 Q. (By Ms. Maranzano) I'm showing you what we</p> <p>11 marked as Deposition Exhibit 13.</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Do you recognize that?</p> <p>14 A. This was the Memorandum of Understanding</p> <p>15 between our agency and DPS.</p> <p>16 Q. Is it your understanding that either agency can</p> <p>17 terminate this agreement at any time?</p> <p>18 A. Oh, I've got to look back and see what we</p> <p>19 specifically say, but let's see.</p> <p>20 Q. If you want to look at Page 4.</p> <p>21 A. Page 4. Okay.</p> <p>22 Q. At the top.</p> <p>23 A. Okay. (Reading to himself.)</p> <p>24 Q. So is it your understanding that either party</p> <p>25 can terminate this agreement at any time?</p>	<p style="text-align: right;">120</p> <p>1 potential locations. They, the counties, worked with us</p> <p>2 to determine potential locations within their counties.</p> <p>3 Q. What was the potential no-match list?</p> <p>4 A. Excuse me?</p> <p>5 Q. Didn't you say you had a potential no-match</p> <p>6 list?</p> <p>7 A. It's one of those that we provided to you all</p> <p>8 earlier, the 7-800,000 number.</p> <p>9 Q. So I'm losing you a little bit. Do you mean</p> <p>10 it was something that you had provided to the Department</p> <p>11 of Justice?</p> <p>12 A. I don't know. I thought we provided it to you.</p> <p>13 It was a list of -- it was one of those bump-ups that we</p> <p>14 bumped up and it was like, okay, we have this, we don't</p> <p>15 know if these people have IDs or not because it's not</p> <p>16 conclusive. But you've got an XYZ in XYZ county, and</p> <p>17 XYZ zip code, you've got X number of people who are not</p> <p>18 a match. We don't know what those are, we don't know</p> <p>19 why they don't match, we don't know if they have an ID</p> <p>20 or not, but we have this number here.</p> <p>21 So we could potentially look at that.</p> <p>22 It's not the sole factor, but that in some areas, in</p> <p>23 some of your major metropolitan areas, that kind of</p> <p>24 helps you to figure out where do we need to be. And</p> <p>25 likewise, you know, DPS, long-term, looked at whether or</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

31 (Pages 121 to 124)

<p style="text-align: right;">121</p> <p>1 not there were DPS offices even in those counties.</p> <p>2 Q. So the no-match list was some -- was a list</p> <p>3 from one of the matching exercises that you previously</p> <p>4 testified about, correct?</p> <p>5 A. It wasn't one, it was "the" list. It was not</p> <p>6 something that came out of it, it was -- it was the</p> <p>7 list.</p> <p>8 Q. From a matching exercise between the DPS</p> <p>9 database?</p> <p>10 A. The only thing I know how to refer those to</p> <p>11 are, "no matches," I call them. That's my personal list</p> <p>12 of what I called it.</p> <p>13 Q. And did that list contain information about --</p> <p>14 what information was included on that list?</p> <p>15 A. Ma'am, I don't remember exactly. All I</p> <p>16 remember was, there was a number of potential no</p> <p>17 match -- no matches.</p> <p>18 Q. Do you recall whether there was any information</p> <p>19 on who on that list had voted in the past?</p> <p>20 A. I don't recall that, ma'am.</p> <p>21 Q. Do you recall if there's any information about</p> <p>22 the individual's race on that list?</p> <p>23 A. I don't -- I would think there wouldn't be</p> <p>24 because we don't have any racial information.</p> <p>25 Q. You don't collect racial information on your</p>	<p style="text-align: right;">123</p> <p>1 conference announcing it. I don't recall if there was</p> <p>2 -- the press showed up at any of the other locations or</p> <p>3 not.</p> <p>4 Q. Any other publicities that you can think of</p> <p>5 your office did with regard to mobile units?</p> <p>6 A. We did press releases. We did, you know, press</p> <p>7 releases, press announcements to let people know that</p> <p>8 this was going to happen. And we would also put up on</p> <p>9 our website --</p> <p>10 Q. Uh-huh.</p> <p>11 A. -- that these were the locations that it would</p> <p>12 happen. And really the counties did their -- who have</p> <p>13 those relationships with their local papers, they</p> <p>14 publicized it as well.</p> <p>15 Q. Okay. And are you planning to use mobile units</p> <p>16 in the future?</p> <p>17 MR. SCOTT: Objection, form,</p> <p>18 mischaracterizes SOS's role, previous testimony.</p> <p>19 You can answer.</p> <p>20 A. That's a function of DPS.</p> <p>21 Q. (By Ms. Maranzano) Are mobile units being --</p> <p>22 are mobile units in operation currently?</p> <p>23 A. I'm not aware of any being in operation right</p> <p>24 now.</p> <p>25 MR. SCOTT: Object to form.</p>
<p style="text-align: right;">122</p> <p>1 driver's license -- driver's licenses?</p> <p>2 A. I mean, without looking at it --</p> <p>3 Q. Okay.</p> <p>4 A. -- I don't know. I don't think we do.</p> <p>5 Q. And did you use that no-match list to also do</p> <p>6 PR or community education about the mobile units?</p> <p>7 A. What do you mean?</p> <p>8 Q. Did you use that no-match list to do any</p> <p>9 community education?</p> <p>10 A. When we -- when we went to a county and said</p> <p>11 we're going to be in Travis County, we, our staff worked</p> <p>12 with the County and our staff had to put out press</p> <p>13 releases that there was going to be a mobile unit at X</p> <p>14 location for X amount of time.</p> <p>15 Q. And did your staff do any other PR or was that</p> <p>16 left up to the county?</p> <p>17 A. I'm sorry?</p> <p>18 Q. Did you staff do any other publicity besides a</p> <p>19 press release or was that left to the county?</p> <p>20 A. Well, the county did their own and we put out</p> <p>21 press releases as well.</p> <p>22 Q. Okay. And was there any other publicity that</p> <p>23 your office did about the mobile units?</p> <p>24 A. Well, when it was initially announced, there</p> <p>25 was a major press effort -- press event -- press</p>	<p style="text-align: right;">124</p> <p>1 Q. (By Ms. Maranzano) Do you have any plans to use</p> <p>2 mobile units in advance of the November 2014 election?</p> <p>3 A. If DPS -- that's a call of DPS, if they're --</p> <p>4 Q. Has there been discussion of rerunning the</p> <p>5 no-match list to determine locations for mobile units?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. And did the Secretary of State's Office provide</p> <p>8 the notice to the counties about the mobile units that</p> <p>9 you were -- that mobile units were coming to their</p> <p>10 counties?</p> <p>11 A. Well, we did it in conjunction with DPS.</p> <p>12 Q. Did you -- did you consider how much advance</p> <p>13 notice a county would need in order to do effective</p> <p>14 publicity about the mobile units?</p> <p>15 A. Well, we worked with those counties to see if</p> <p>16 they -- if they had the time and the resources to be</p> <p>17 able to help us with the effort. And those counties who</p> <p>18 were able to do it were the counties that, you know, we</p> <p>19 were able to work with. We didn't -- and those counties</p> <p>20 felt like they had the appropriate amount of time to do</p> <p>21 it.</p> <p>22 Q. Did any county officials express to you that</p> <p>23 they felt they didn't have enough notice to</p> <p>24 appropriately publicize a mobile unit coming to their</p> <p>25 county?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

32 (Pages 125 to 128)

<p style="text-align: right;">125</p> <p>1 A. You know, I think I remember Travis County 2 saying something, but they had just as much time as 3 everybody else. 4 Q. Do you recall what your response was to Travis 5 County? 6 A. I think we worked with them on some dates that 7 were more accommodating for them, and they accepted. We 8 -- 9 Q. And have -- oh, I'm sorry. 10 A. We didn't force a unit on anybody. We asked 11 them, "Can you do this? Do you want to do this? And if 12 you don't want to do it, we'll go to a county that can." 13 So, anybody that took it, they accepted knowing what the 14 responsibilities were. 15 Q. How -- how much -- 16 A. It may have been Travis, I don't know. 17 Q. How much notice were you generally able to 18 provide to people? 19 A. Because I wasn't doing it on a day-to-day 20 basis, I wasn't the one doing it, I don't know the time 21 frame associated. 22 Q. Do you have a sense of if it was a couple of 23 days or if it was a week or it was? 24 A. It was probably more than a couple of days 25 because it takes more than that to actually deploy the</p>	<p style="text-align: right;">127</p> <p>1 the hours of the mobile units? 2 A. I don't know if it was DPS or I don't know if 3 it was the individual county. 4 Q. Okay. Do you know who was staffing the mobile 5 units? 6 A. Initially, it would have been DPS employees and 7 some of the county employees. The last round, there 8 were some staff members from our office which were 9 trained by DPS and certified by them to work as well, so 10 they went out and helped DPS and county employees as 11 well on staffing them. 12 Q. And for -- for units that were staffed by, say, 13 your office, would the hours still be determined by DPS 14 or a county? 15 A. Yes, ma'am. 16 Q. Okay. 17 A. As far as I -- we just assisted DPS in those 18 counties. We were never out there ourself alone. We 19 were out there with DPS -- 20 Q. I see. 21 A. -- or with the county. 22 Q. There were no units that were staffed solely by 23 Secretary of State's staff? 24 A. None that I can recall. I would have to go 25 back and look at that to see if there were, but I --</p>
<p style="text-align: right;">126</p> <p>1 equipment to the actual area. It could have been some 2 weeks. I don't know the exact amount of time. 3 Q. Did the Secretary of State have any role on the 4 hours that mobile units were in operation? 5 A. That was a function of DPS working with the 6 individual counties to determine what the hours were to 7 be. 8 Q. Do you know if any mobile units operate -- or 9 operated outside of regular business hours? 10 A. Ooh, I don't remember exactly the hours that 11 were associated with some of them. 12 Q. You don't recall. 13 A. I mean, I -- they could have. I mean, I don't 14 know. I think there were a couple that may have 15 operated on a Saturday. I don't know the specifics on 16 which one -- what the hours specifically were on all of 17 them, because there were -- there were 25 different 18 units going different places. And then you had the 19 counties that didn't have -- EIC that had -- it was -- 20 it was the counties that didn't have DPS offices that 21 had units, and it was more or less a function of the 22 personnel that DPS could provide and what they could 23 work out with that individual county as to how much time 24 they had and when they wanted to do it. 25 Q. So DPS made the sort of final decision about</p>	<p style="text-align: right;">128</p> <p>1 there were generally at least two people, and I don't 2 recall us sending two of our staff members to go to one 3 place. I don't recall that. 4 Q. Was that -- why did you decide to help staff 5 these units? 6 A. To help out. 7 Q. Uh-huh. 8 A. To help out. 9 Q. Did DPS have any resource issues in terms of 10 staffing the mobile units? 11 A. Well, DPS is a large agency, but they -- 12 they're a busy agency, and when you start asking, you 13 know, individuals to travel three and four days a week, 14 it becomes a challenge, and it would become a challenge 15 to our agency. But we have individuals in elections and 16 our field staff that were in some of these geographical 17 locations and it just made sense if they had a little 18 time, they could help out so that we could all spread -- 19 spread the wealth. 20 MS. MARANZANO: Mark that. 21 (Exhibit 14 marked for identification.) 22 A. Whew, got another one. All right. 23 Q. (By Ms. Maranzano) I'm showing you what we 24 marked as Deposition Exhibit 14. 25 A. Uh-huh.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

33 (Pages 129 to 132)

<p style="text-align: right;">129</p> <p>1 Q. Do you recognize this?</p> <p>2 A. I don't recognize the actual document. I</p> <p>3 probably have seen it. I don't -- I know who the</p> <p>4 individual is.</p> <p>5 Q. Did you receive a copy of this letter?</p> <p>6 A. I probably did, ma'am.</p> <p>7 Q. And can you take a look at it and -- well, who</p> <p>8 is Bruce Elfant?</p> <p>9 A. He's the Travis County Tax Assessor/Collector.</p> <p>10 Q. And what -- what concerns is he raising in this</p> <p>11 letter about the EIC mobile units?</p> <p>12 MR. SCOTT: Objection, form,</p> <p>13 speculation. The document speaks for itself.</p> <p>14 A. I guess he's giving his opinion.</p> <p>15 Q. (By Ms. Maranzano) Do you see he raises a</p> <p>16 concern about the hours of operation of the mobile</p> <p>17 units?</p> <p>18 A. Okay.</p> <p>19 Q. Do you see that?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And do you see that he raises a concern about</p> <p>22 notice?</p> <p>23 A. What do you mean by notice?</p> <p>24 Q. About the notice that was provided to him.</p> <p>25 A. I see it -- no, wait a minute, are you talking</p>	<p style="text-align: right;">131</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And so after --</p> <p>3 A. I think. I think. I said correct. I don't</p> <p>4 know if this letter came before, but -- but or -- before</p> <p>5 he voiced his concerns or after.</p> <p>6 Q. Well, this letter is about his experience with</p> <p>7 working with the mobile EIC units, right?</p> <p>8 A. So I presume this is a letter that he provided</p> <p>9 after it was over? (Reading.)</p> <p>10 Okay. It appears that that's what it is.</p> <p>11 Q. So did you -- did you take any steps to respond</p> <p>12 to his concerns that he raised in this letter?</p> <p>13 A. I didn't personally. I don't know if</p> <p>14 Mr. Ingram did or not.</p> <p>15 Q. Did you all take into consideration his</p> <p>16 concerns as you went forward with the EIC mobile units</p> <p>17 program?</p> <p>18 A. Any feedback that any county can give on how to</p> <p>19 do it better, it was considered. I don't -- you know,</p> <p>20 when you're starting a new program and you're doing it</p> <p>21 for the first time, you've got to figure out what works</p> <p>22 and what doesn't work.</p> <p>23 Q. Did you encourage counties to try to have EIC</p> <p>24 on mobile unit operation -- mobile units operate outside</p> <p>25 of regular business hours or on the weekends?</p>
<p style="text-align: right;">130</p> <p>1 about --</p> <p>2 Q. In his letter.</p> <p>3 A. What specific statement are you talking about?</p> <p>4 Q. He says, "In a week and a half that we had to</p> <p>5 prepare for the outreach locations..."</p> <p>6 A. Uh-huh.</p> <p>7 Q. And he -- and then he raises concern there</p> <p>8 weren't weekend hours, correct?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Was there a response made to Mr. Elfant, to the</p> <p>11 best of your knowledge?</p> <p>12 A. I don't know if there was a response from</p> <p>13 Mr. Ingram, but I know that we helped Travis County with</p> <p>14 their effort.</p> <p>15 Q. You did? In what ways?</p> <p>16 A. Well, we helped them to -- initially, he didn't</p> <p>17 want to participate. And we encouraged him, hey, to</p> <p>18 participate in the effort. "If you help -- if you get</p> <p>19 the locations, we'll help you publicize, DPS will</p> <p>20 provide the places for you, and they'll provide" -- I</p> <p>21 mean, "DPS will provide the staffing for you, and we can</p> <p>22 move forward."</p> <p>23 Q. So initially, was -- initially, when he voiced</p> <p>24 concerns, that predates this letter, right, because this</p> <p>25 looks like --</p>	<p style="text-align: right;">132</p> <p>1 A. That -- that was not our role. Our role was to</p> <p>2 get them to -- our role was to encourage them to work</p> <p>3 with DPS and even participate in the program. What they</p> <p>4 worked out with DPS was the function of the county and</p> <p>5 DPS.</p> <p>6 Q. So your role primary was just to try to get --</p> <p>7 A. To make the introduction.</p> <p>8 Q. I see.</p> <p>9 A. DPS doesn't know elections -- or didn't know at</p> <p>10 the time, elections, administrators or election</p> <p>11 workers. Our staff knows those individuals.</p> <p>12 Q. Uh-huh.</p> <p>13 A. We made the introductions, so they could work</p> <p>14 out their relationships and help where needed.</p> <p>15 Q. Now did counties enter into a -- enter a local</p> <p>16 cooperation contract with DPS when they -- when they</p> <p>17 would start to issue EICs?</p> <p>18 A. Ma'am, I have no idea.</p> <p>19 Q. You have no idea. Were you involved at all</p> <p>20 in the agreements that were made between the county</p> <p>21 offices and DPS?</p> <p>22 A. I don't think I was.</p> <p>23 Q. Okay. Do you know if counties -- well, some</p> <p>24 counties have been trained to issue EICs, correct?</p> <p>25 MR. SCOTT: Object to form, speculation.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

34 (Pages 133 to 136)

<p style="text-align: right;">133</p> <p>1 A. I -- that wasn't what our office did, so I 2 don't know of -- I don't know what kind of training -- 3 there was contact with DPS and the counties. What they 4 trained them on, I don't know. 5 Q. (By Ms. Maranzano) So, your office had been 6 involved with the mobile units staffed by DPS? 7 A. Correct. 8 Q. Had your office been involved at all in helping 9 DPS with programs where they partner with county offices 10 and they train county staff issue EICs? 11 A. On those counties where -- where they 12 potentially were working with county elections 13 administrators in those counties, we probably did help 14 them get an introduction. 15 Q. Okay. And that was about as far as your role 16 went? 17 A. I don't know because there were other staff 18 members that were actually working day-to-day with DPS 19 on getting all of this set up. 20 Q. Okay. Which staff members were working on 21 that? 22 A. The elections division. 23 Q. Do you know who in the elections division? 24 A. Oh, man, this was a situation where it was all 25 hands on deck.</p>	<p style="text-align: right;">135</p> <p>1 A. I recognize it as being an e-mail. 2 Q. Do you recall seeing this e-mail? 3 A. I'm quite sure I did see it. 4 Q. Do you know what this e-mail is about? 5 A. It seems to be about counties that had 6 difficulty -- or either "declined based on lack of 7 facility, staffing, population or some combination of 8 the three." 9 Q. And was this about -- well, the subject line -- 10 or the attachment says "Copy of EIC County Judges." Do 11 you know if this was about -- related to the EIC 12 program? 13 A. I'm quite sure it was. 14 Q. And do you know what -- what these counties 15 were declining? 16 A. Well, they declined to -- at the point of this 17 e-mail, they declined to participate in the mobile EIC 18 units at this particular point. However, this is not to 19 say that they didn't ultimately end up participating. 20 Q. I understand that. But -- 21 A. This was a snapshot in time. 22 Q. Right, right. What I'm wondering though is, 23 what -- what's your understanding of why they were 24 declining. I mean, I see that it says "lack of 25 facility, staffing, population or some combination of</p>
<p style="text-align: right;">134</p> <p>1 Q. Do you know if counties have received any extra 2 resources for working on the EIC program? 3 A. I don't know. 4 Q. Has DPS received any extra resources for 5 working on the EIC program? 6 A. When you say resources? 7 Q. Appropriations? 8 A. I don't know if they received appropriations. 9 Some of the information -- we provided some assistance 10 with helping them get started with some of their 11 equipment. 12 Q. Has the Secretary of State's Office received 13 any additional resources for the EIC program 14 specifically? 15 A. No, ma'am. 16 Q. Have you heard from any counties, any concerns 17 that they don't have the resources to work on the EIC 18 program? 19 A. I haven't personally heard that. I do not know 20 if our election division has or not. 21 (Exhibit 15 marked for identification.) 22 Q. (By Ms. Maranzano) Okay. I'm showing you what 23 we've marked as Exhibit 15. 24 A. Uh-huh. 25 Q. Do you recognize this?</p>	<p style="text-align: right;">136</p> <p>1 those three." What was your understanding of what that 2 meant? 3 A. Just what it says. 4 Q. What does it mean to lack population? That -- 5 are they so small that -- 6 A. Some of these areas have very, very small 7 voting populations. 8 Q. Like can you give me a sense of how -- 9 A. I can't give you an exact number as to how -- 10 but extremely small. 11 Q. So were they saying that the voting population 12 was so small it wasn't worth the effort? 13 A. I don't know what they were saying in terms -- 14 I don't know. I just know that there are some counties 15 that have small populations of voters. 16 Q. So which -- on this list which would you 17 consider those counties to be? 18 A. Right off the top of my head, without having an 19 atlas to be able to tell me what the populations are, I 20 don't know. I do know that there are counties in Texas 21 that have small voting populations. I don't know the 22 exact number, but. 23 Q. Were these counties declining to have the 24 mobile unit come to their county or were they declining 25 to issue the EICs themselves or do you know?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

35 (Pages 137 to 140)

<p style="text-align: right;">137</p> <p>1 A. I don't know but I would -- I don't know, okay? 2 Let me look at their e-mail and read it. 3 This appears to be related to mobile. And 4 the reason I say that is because if it's dealing with 5 our Office, it's dealing with mobile EICs. 6 Q. Okay. 7 (Exhibit 16 marked for identification.) 8 A. A lot of exhibits. 9 Q. (By Ms. Maranzano) Yeah. 10 A. All right. Okay. 11 Q. I'm showing you what we marked as Deposition 12 Exhibit 16. Can you look at this and see if you 13 recognize this? 14 MR. SCOTT: Before you answer, let me take 15 a peek at it since my name is on it. 16 A. Okay. 17 Q. (By Ms. Maranzano) Okay. Do you recognize this 18 document? 19 A. I recognize what's in it. You know, I'm not an 20 e-mail person, just so you know. 21 Q. Uh-huh. 22 A. So I recognize what the -- you know, thousands 23 of e-mails come across -- or hundreds of e-mails come 24 across my desk. My staff knows if you want to talk to 25 me about an issue, you come talk to me.</p>	<p style="text-align: right;">139</p> <p>1 have 5,000 people standing in line waiting for one of 2 these. When they understood -- once the counties 3 understood what was involved, that it was something that 4 may happen occasionally and we wanted to make sure there 5 was that access, they became more comfortable with it. 6 Q. And did you usually tell counties this would 7 only come up occasionally? 8 A. No, only -- I mean, it's -- that's my 9 characterization of -- of what would happen. What the 10 actual staff members shared with them, I don't know the 11 specifics of it but it was -- it was what we had seen 12 based on what has happened in other counties -- 13 Q. Uh-huh. 14 A. -- that continue to do this, is not going to be 15 a difficult challenge for you. 16 Q. If a county expressed concerns such as that 17 their staff was overburdened, did you monitor those 18 counties at all, sort of see how the implementation was 19 going? 20 A. We monitored every place that a -- when I say 21 "we," not me personally, but the -- all of the counties 22 where all the units were, and all the units were 23 monitored by DPS staff. That information was shared 24 with our election staff. 25 Q. Okay. And who on your election staff received</p>
<p style="text-align: right;">138</p> <p>1 I recognize the people involved. I 2 recognize what the issue is about. 3 Q. Okay. Do you see towards the bottom of the 4 page where it talks about -- it's the third paragraph 5 from the bottom. 6 A. Uh-huh. 7 Q. And it talks about counties being nervous about 8 the increased responsibility and that they're -- it 9 refers to their staff as "their already overburdened 10 staff." 11 A. Uh-huh. 12 Q. Do you recall that concern being raised? 13 A. Uh-huh. 14 Q. And how did you respond to that? 15 A. Well, the response was, "Let's educate the 16 counties on really what's involved." Any time the State 17 or the Federal Government tells another body, "We'd like 18 you to do something," there are concerns. What we had 19 to do was just sit down with the counties and explain to 20 them what's all involved in this process. And most of 21 them, if I recall correctly, once they actually found 22 out that they weren't having to buy any equipment, they 23 weren't having to -- it wasn't going to, you know, cost 24 them anything, a great deal, there weren't going to be, 25 you know -- it wasn't anticipated that you're going to</p>	<p style="text-align: right;">140</p> <p>1 that information? 2 A. I would say Mr. Ingram and anyone he would 3 share it with. 4 Q. Did you -- did you consider that staff who -- 5 who were, you know, self-identifying as overburdened, 6 might -- might try to avoid additional work? 7 MR. SCOTT: Objection, form, speculation. 8 A. What do you mean? 9 Q. (By Ms. Maranzano) I mean, I'm wondering if 10 they have -- if staff that's already overburdened is 11 given an additional responsibility, if they'll actually 12 implement it effectively. Is that something that the 13 Secretary of State's Office considered when they heard 14 things from counties about county staff being 15 overburdened? 16 A. We work with counties to resolve their 17 issues. I mean, whatever reasons a county gave, we 18 tried to work with them to make them feel comfortable. 19 I can't address an individual county's employee's, you 20 know, concerns about -- I mean, I don't know what -- I 21 don't know what the employees that they would have 22 working on this, what else they're doing -- 23 Q. Uh-huh. 24 A. -- so we just -- our effort was to make 25 counties comfortable.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

36 (Pages 141 to 144)

<p style="text-align: right;">141</p> <p>1 Q. Okay. And that's in the manner that you've</p> <p>2 already testified about in terms of the education effort</p> <p>3 to the counties. Okay.</p> <p>4 A. That is correct.</p> <p>5 Q. Did you consider that counties may have a</p> <p>6 different incentive to participate in the EIC program</p> <p>7 because of the additional work without additional</p> <p>8 resources?</p> <p>9 A. What do you mean additional work without</p> <p>10 additional resources?</p> <p>11 Q. Well, if they participate in the EIC, it's</p> <p>12 another task that they're given in addition to that</p> <p>13 everything they've already had to be doing, correct?</p> <p>14 A. Well, I mean, most of the counties are not --</p> <p>15 you know, 99 percent of them were excited about</p> <p>16 participating, except for, you know, the few that</p> <p>17 expressed concerns. And then once you walked them</p> <p>18 through and educated them on what was actually involved,</p> <p>19 they're like, "Okay."</p> <p>20 Q. And when you said you're monitoring the EIC --</p> <p>21 or your office is monitoring the --</p> <p>22 A. DPS is monitoring, and they're sharing</p> <p>23 information with us.</p> <p>24 Q. Okay. And has there been analysis done as to</p> <p>25 whether counties are effectively implementing the EIC</p>	<p style="text-align: right;">143</p> <p>1 a county that needed our assistance, we may have</p> <p>2 provided, without looking at data.</p> <p>3 Q. (By Ms. Maranzano) Okay. Well, are you aware</p> <p>4 of the hours of operations for counties that are issuing</p> <p>5 EICs?</p> <p>6 A. No, ma'am not specifically.</p> <p>7 Q. Okay.</p> <p>8 A. It's probably been shared with me but I don't</p> <p>9 remember.</p> <p>10 Q. Okay. Do you know if any of them are outside</p> <p>11 of regular business hours?</p> <p>12 A. I don't know.</p> <p>13 Q. Are you aware of any that are open on</p> <p>14 Saturdays?</p> <p>15 A. I don't know.</p> <p>16 (Exhibit 17 marked for identification.)</p> <p>17 Q. (By Ms. Maranzano) All right. I'm showing you</p> <p>18 what we've marked as Deposition Exhibit 17. Do you</p> <p>19 recognize this document?</p> <p>20 A. Like I said, I don't remember the specific</p> <p>21 document, but I recognize the participants in the</p> <p>22 document. I need to read it. (Reading.)</p> <p>23 Okay.</p> <p>24 Q. Okay. Can you look at the first paragraph.</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">142</p> <p>1 program?</p> <p>2 A. There's been -- DPS has been doing some</p> <p>3 tracking of what has been going on with it, how many</p> <p>4 they've issued and so forth. I don't know that number</p> <p>5 off the top of my head, and I don't know the extent of</p> <p>6 what else they're doing with the analysis. I've seen</p> <p>7 some analysis but I'm not the holder of it. They've</p> <p>8 kind of showed it to me. Okay. We're in the infancy of</p> <p>9 this, you know, so I think it's kind of premature for us</p> <p>10 to say we have all-inclusive analysis. And we haven't</p> <p>11 had a -- haven't had our major election, which is coming</p> <p>12 up in November, yet.</p> <p>13 Q. Okay. I want to come back to that analysis in</p> <p>14 a minute. But with regard to the counties -- the</p> <p>15 counties that are participating, do you have any</p> <p>16 knowledge, I think you said you don't work with counties</p> <p>17 who are issuing EICs themselves, right? That you're --</p> <p>18 A. No, that's not what I said.</p> <p>19 Q. Apart from the mobile units, have you been</p> <p>20 involved in the counties that are issuing EICs out of</p> <p>21 county offices?</p> <p>22 MR. SCOTT: Objection, form, vague.</p> <p>23 A. Yeah, I don't -- I don't know how to answer</p> <p>24 that. I mean, DPS, we've been assisting them. There</p> <p>25 may be a county -- and I don't know, there may have been</p>	<p style="text-align: right;">144</p> <p>1 Q. And it says, in the second line, "which now</p> <p>2 gets us down to 31 counties that DPS will staff." Was</p> <p>3 there an effort to decrease the number of counties that</p> <p>4 DPS would be staffing?</p> <p>5 MR. SCOTT: Objection, form, calls for</p> <p>6 speculation.</p> <p>7 Q. What does that mean? I mean, you were cc'd on</p> <p>8 this e-mail, correct?</p> <p>9 MR. SCOTT: Objection, form, speculation.</p> <p>10 The document speaks for itself.</p> <p>11 A. Well, you know, it kind depends on how you</p> <p>12 interpret the word "down." To me -- on this particular</p> <p>13 document, to me, it means we're up to -- the same as up</p> <p>14 to.</p> <p>15 Q. (By Ms. Maranzano) So, how did you -- when you</p> <p>16 read this, you interpreted that to be the same as which</p> <p>17 now gets us up to 31 counties?</p> <p>18 A. I don't know.</p> <p>19 Q. Are you aware of whether DPS was trying to</p> <p>20 reduce the mobile units that it staffed?</p> <p>21 A. I'm aware that DPS was trying to get those --</p> <p>22 those counties covered. If county staff was available,</p> <p>23 okay. If DPS staff was available, okay. The objective</p> <p>24 here was, let's get these counties covered.</p> <p>25 Q. Did DPS have any resource issues staffing the</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

37 (Pages 145 to 148)

<p style="text-align: right;">145</p> <p>1 number of counties it needed to cover?</p> <p>2 A. I'm not --</p> <p>3 Q. You're not aware of that?</p> <p>4 A. You know, I -- I don't know what their resource</p> <p>5 level was in terms of staffing.</p> <p>6 Q. That was never a concern that was shared with</p> <p>7 you?</p> <p>8 A. Well, it was a concern of staff, who's going to</p> <p>9 do what, can we get as many people to help us as</p> <p>10 possible? And as I said, it was all hands on deck.</p> <p>11 Sure, these staff members have other responsibilities,</p> <p>12 but what do we need to do to work together?</p> <p>13 Q. Did you ever believe that you were stretching</p> <p>14 DPS's resources by -- well, strike that.</p> <p>15 When DPS started running the EIC program,</p> <p>16 do you know if it hired any additional staff solely for</p> <p>17 the EICs?</p> <p>18 A. I have no idea, ma'am.</p> <p>19 Q. Can you see the bottom of this e-mail --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- it talks about meeting with James Bass?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Why you were meeting with James Bass?</p> <p>24 A. He was the interim director of the Texas</p> <p>25 Department of Transportation, and at that particular</p>	<p style="text-align: right;">147</p> <p>1 with Secretary of State personnel being trained to work</p> <p>2 in some of these mobile units?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And in terms of this phrase, "special mobile</p> <p>5 EIC effort," what does that mean?</p> <p>6 A. I have no clue. It's just -- I think it's a</p> <p>7 term probably that they picked up. It was -- they were</p> <p>8 -- they were special because they were mobile.</p> <p>9 Q. I see. So there's not any subset of the</p> <p>10 mobile?</p> <p>11 A. No. They were different from the other ones.</p> <p>12 Q. Okay. Now I believe you testified earlier that</p> <p>13 you weren't necessarily involved in the decision for DPS</p> <p>14 to be opened on Saturdays?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know anything about that program in</p> <p>17 which DPS offices are open on Saturdays?</p> <p>18 A. I just know that there were some locations that</p> <p>19 they agreed to keep open on Saturdays to make available</p> <p>20 for people to get EICs only.</p> <p>21 Q. And is it your understanding that DPS chose</p> <p>22 those locations or that the Secretary of State's Office</p> <p>23 suggested the locations for DPS?</p> <p>24 A. Those were DPS choices.</p> <p>25 Q. And is it your understanding that the DPS has</p>
<p style="text-align: right;">146</p> <p>1 time, we were seeing what other agencies, State</p> <p>2 agencies, that had facilities in all counties could</p> <p>3 potentially help.</p> <p>4 Q. And so you were looking to -- where it says "to</p> <p>5 discuss EIC assistance from his agency" --</p> <p>6 A. Uh-huh.</p> <p>7 Q. -- were you hoping to use his facilities?</p> <p>8 A. Hoping to use his facilities or maybe even some</p> <p>9 of his staff if he had them in some of those areas. But</p> <p>10 it was determined that some of the areas we were looking</p> <p>11 at -- and I don't remember the exact areas -- but there</p> <p>12 were not -- there was not staff at those facilities 8</p> <p>13 hours a day, 5 days a week.</p> <p>14 Q. So was he able to offer assistance to the EIC</p> <p>15 -- EIC assistance?</p> <p>16 A. I don't recall. I don't think he was, based on</p> <p>17 the counties that we were looking at, at that particular</p> <p>18 time. The counties that we were looking at did not have</p> <p>19 full-time staff at the locations in those counties.</p> <p>20 Q. Okay. And in the third paragraph, do you see</p> <p>21 there's a reference to Secretary of State personnel --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- assisting in the special mobile EIC effort?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Is that what you previously testified about</p>	<p style="text-align: right;">148</p> <p>1 the discretion to discontinue that program at any time?</p> <p>2 MR. SCOTT: Objection, form, speculation.</p> <p>3 A. I don't have an understanding and I don't know</p> <p>4 what they -- what they did to come up with -- how they</p> <p>5 developed their program.</p> <p>6 Q. (By Ms. Maranzano) Do you -- do you know how</p> <p>7 many offices are open on Saturdays?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Are you aware that prior to the implementation</p> <p>10 of SB 14, DPS was the source of frequent citizen</p> <p>11 complaints?</p> <p>12 MR. SCOTT: Objection, form.</p> <p>13 A. No, ma'am.</p> <p>14 Q. (By Ms. Maranzano) You never heard that?</p> <p>15 MR. SCOTT: Speculation, foundation.</p> <p>16 A. Speculate. They were -- they were what now?</p> <p>17 Q. (By Ms. Maranzano) They were the source of many</p> <p>18 citizen complaints?</p> <p>19 MR. SCOTT: Objection form, speculation,</p> <p>20 foundation, assumes facts not in evidence.</p> <p>21 Go ahead.</p> <p>22 A. Citizen complaints about what?</p> <p>23 Q. (By Ms. Maranzano) About DPS. You never heard</p> <p>24 from your constituents any concerns about long lines at</p> <p>25 DPS or inadequate service at DPS?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

38 (Pages 149 to 152)

<p style="text-align: right;">149</p> <p>1 A. I mean, you hear things in the media, but no 2 questions directed to me. 3 Q. But you had heard that that was an issue? 4 A. Media accounts. 5 Q. Did you consider that fact when you were 6 planning the EIC program and working with DPS to 7 implement the EIC? 8 A. Consider what fact? 9 Q. The fact that you the heard that there are 10 issues with long lines or service from the DPS? 11 A. That wasn't a deciding factor on why we did 12 this. 13 Q. Was that at all a factor in how to go about 14 implementing the EIC program? 15 A. Not that I can recall. 16 Q. Has the Secretary of State's Office requested 17 any additional resources from the Legislature for the 18 EIC program? 19 A. No, ma'am. 20 Q. Is that because you believe you have sufficient 21 resources to run the EIC program? 22 MR. SCOTT: Objection, form, assumes facts 23 not in evidence, misstates testimony. 24 A. It's not our program. 25 Q. (By Ms. Maranzano) Okay. So do you have any</p>	<p style="text-align: right;">151</p> <p>1 A. Yes, ma'am, I have. 2 Q. Do you recognize it or the content of it? 3 A. I recognize the content. I don't remember the 4 specific -- I don't remember receiving it, but I'm quite 5 sure -- I know the issue here. 6 Q. Okay. And did you have any follow-up 7 conversations about the issue in this e-mail? 8 A. No, ma'am, I didn't. I don't recall having 9 any. 10 Q. Did you respond to anybody about this e-mail? 11 A. Not that I recall. 12 Q. And when you saw that applicants -- this 13 information in the e-mail about applicants arriving 14 without the necessary underlying documents, did you take 15 any steps to ensure that there was appropriate publicity 16 or education about the necessary underlying documents 17 required to get an EIC? 18 A. Based on this particular e-mail? 19 Q. Yes. 20 A. I don't recall doing anything, other than I 21 know my mode of operandi would be to make sure that it 22 had been publicized. 23 Q. So you don't recall taking any actions in 24 response to this e-mail, but your general -- your 25 general strategy was to try to make sure that</p>
<p style="text-align: right;">150</p> <p>1 plans to ask for resources for EIC -- for EIC-related 2 tasks? 3 A. We're doing fine the way we are. I mean, it's 4 a project that we're looking in it's infancy. Before 5 we're able to make any determinations on what else is 6 needed, we need to complete a full election cycle, and 7 that won't be until November. 8 Q. So is there a plan to assess the EIC program 9 after November? 10 A. You'd have to ask -- I'm quite sure there will 11 be but that will led by DPS. 12 Q. And will the SOS be involved in that? 13 A. If they choose to allow us to be involved. 14 (Exhibit 18 marked for identification.) 15 MS. MARANZANO: Do you want a break now? 16 THE COURT REPORTER: Okay. I could use 17 it. 18 (Recess 12:47 p.m. to 1:03 p.m.) 19 (Exhibit 19 marked for identification.) 20 Q. (By Ms. Maranzano) Okay. I am showing you 21 what we're marking as Deposition Exhibit -- 22 A. Uh-huh. 23 Q. -- 19. 24 A. Uh-huh. 25 Q. Can you take a look at that?</p>	<p style="text-align: right;">152</p> <p>1 information was publicized? 2 A. Well if you look at this e-mail, it says that 3 person who did not have a document said that they would 4 come to a different site the next day. 5 Q. Uh-huh. 6 A. And the other person really didn't want an EIC, 7 they wanted a state ID. 8 Q. But were you at all concerned that a person 9 didn't know what the underlying documentation was -- 10 that was required? 11 A. I don't know if the person didn't know or I 12 don't know if the person actually forgot the document. 13 I don't know why they didn't have a birth certificate. 14 Q. And so you didn't you take any actions in 15 response to this e-mail? 16 A. Well, it wouldn't have been necessary when the 17 person, according to the -- the feedback that we 18 received from the county administrator, the person said 19 they were coming back the next day. 20 Q. And did you -- did you get other e-mails like 21 this, to the best of your recollection? 22 A. I probably could have gotten those from 23 Mr. Ingram. But as I shared with you earlier, I'm not a 24 creature of e-mails. 25 Q. Uh-huh. Did you -- did you make an effort to</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

39 (Pages 153 to 156)

<p style="text-align: right;">153</p> <p>1 keep apprised of the EIC program and how many EICs were 2 being issued?</p> <p>3 A. I kept up with what was going on with the 4 program. Without actually looking at the data, I can't 5 give you a specific number as to how many were issued on 6 XY date, but I kept -- I was briefed by staff, DPS.</p> <p>7 Q. Okay. Can we -- can you look at now what we 8 marked as Exhibit 18 --</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. -- previously? I apologize for going out of 11 order.</p> <p>12 A. That's okay.</p> <p>13 Q. Does this e-mail or the content in it look 14 familiar to you? And there's also a back of the page.</p> <p>15 A. It looks like it could have come to me, yes.</p> <p>16 Q. Did you see reports like this that categorized 17 the issuance and inquiries of EICs; did you see things 18 like this regularly?</p> <p>19 A. I think I did, yes.</p> <p>20 Q. Do you know about how often you would see these 21 updates?</p> <p>22 A. Ma'am, when we were doing this, we could have 23 had updates daily. I mean, our staffs were talking 24 daily, so it would not have been uncommon for this type 25 of document to have been provided on a weekly or daily</p>	<p style="text-align: right;">155</p> <p>1 Q. What did you do with this information?</p> <p>2 A. Read it.</p> <p>3 Q. And that's it?</p> <p>4 A. Passed it on to someone if it needed to be.</p> <p>5 Q. Like who?</p> <p>6 A. Could have been other executive staff. Could 7 have been the Secretary himself.</p> <p>8 Q. What would prompt you? What do you mean if it 9 needed to be, like what would prompt you to pass it on 10 to somebody?</p> <p>11 A. Someone would ask, we would look at where we 12 were in the program, how many had been issued.</p> <p>13 Q. So you looked at how many EICs were issued. 14 What were other pieces of information you were looking 15 at?</p> <p>16 A. That was pretty much it, how many had been 17 issued.</p> <p>18 Q. Did you look at how many inquiries had been 19 made?</p> <p>20 A. Well, when I say issued, I'm looking at issued 21 and inquiries.</p> <p>22 Q. Okay.</p> <p>23 A. What activity -- what activity were they 24 relating? What activity was there related to mobile 25 EICs? Were questions asked? Or were cards actually</p>
<p style="text-align: right;">154</p> <p>1 basis.</p> <p>2 Q. And did those -- did those go to you on a 3 weekly or daily basis?</p> <p>4 A. Not necessarily. I could have been cc'd, or 5 they do have given it to the staff members, election 6 staff members that were -- were directly -- that 7 directly were working in that area.</p> <p>8 Q. Would they have gone to Mr. Ingram --</p> <p>9 MR. SCOTT: Objection, form, speculation.</p> <p>10 Q. (By Ms. Maranzano) -- on a daily or weekly 11 basis?</p> <p>12 A. I don't know.</p> <p>13 Q. Which staff? You said they would have gone to 14 the staff working in that area. Which staff were you 15 referring to?</p> <p>16 A. When I say staff, it could have gone to some 17 other individuals in Exec. It could have gone to our 18 counsel. It could have gone to our communications 19 staff. It probably did come to me. It could have gone 20 to Keith Ingram or anyone that he had designated on his 21 staff. I didn't -- I don't know who all was put on the 22 e-mail chain.</p> <p>23 Q. Okay. All right. Do you recall what you would 24 do when you received e-mails like this?</p> <p>25 A. What do you mean?</p>	<p style="text-align: right;">156</p> <p>1 issued?</p> <p>2 Q. And did you look at where the different regions 3 around the state that that was occurring in?</p> <p>4 A. I saw it based on this. I don't know what 5 these regions are without looking at a map. Or -- when 6 I say a map, a TxDOT -- not TxDOT -- a DPS map, for 7 instance. I don't know what 1A, 1B is without them 8 having the actual document that would tell me what 1 -- 9 where 1A is.</p> <p>10 Q. Did the EIC information that you would get 11 would be DPS-compiled information, so was it compiled 12 generally according to DPS regions?</p> <p>13 A. This -- this information -- anything that we 14 get came to -- came to us from DPS. We -- I guess we -- 15 we work with them to figure out what it was, based on 16 their regions that they had, they would tell us it was 17 in this area, this region, we accepted that.</p> <p>18 Q. Uh-huh. Okay.</p> <p>19 (Exhibit 20 marked for identification.)</p> <p>20 Q. (By Ms. Maranzano) Do you recognize this? I'm 21 showing what we've marked as Deposition Exhibit 20.</p> <p>22 A. Uh-huh.</p> <p>23 Q. Do you recognize this document or the content 24 within it?</p> <p>25 A. I recognize -- like I said, I recognize -- this</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

40 (Pages 157 to 160)

<p style="text-align: right;">157</p> <p>1 appears to be a staff's report that was forwarded to me, 2 and I forwarded it to our counsel.</p> <p>3 Q. And so this was -- was this a similar document 4 that was a status report sent by DPS to you about the 5 EIC issuances and inquiries?</p> <p>6 A. It appears. I mean, you know, sometimes it 7 would look like this and sometimes it would like this.</p> <p>8 Q. So it took the format that was either what's in 9 --</p> <p>10 A. It took the format of whatever way DPS wanted 11 to submit it to us.</p> <p>12 Q. Okay. And when -- when you were getting 13 e-mails like what you looked at in Exhibit 18 or Exhibit 14 20, did you -- did you use the information in these 15 e-mails to target where mobile units should go?</p> <p>16 A. No. I took this information, forwarded it to 17 our general counsel, so that he could give it to the 18 election staff, and the election staff would look at it 19 and make any determinations. But this was -- it appears 20 that this was information that was provided based on 21 sites that had already been selected.</p> <p>22 Q. But the information contained, was that used to 23 evaluate where a good location might be to issue EICs or 24 mobile units or for providing information or education? 25 If you know?</p>	<p style="text-align: right;">159</p> <p>1 changes in procedure on what has happened, the end 2 result for me is, when it gets to me, it's we're going 3 to be in XYZ, Texas on this date at this particular 4 time. The election staff that's working the program 5 now, working the program with Mr. Ingram, if there are 6 technical issues, they're resolving those issues at that 7 level.</p> <p>8 Q. Okay.</p> <p>9 A. And I have not seen any that have risen to the 10 point, that I can recall off the top of my head, that 11 needed to be addressed by me.</p> <p>12 Q. Okay. And when you say that you're not at the 13 point right now to sort of make changes to the EIC 14 program --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- can you just describe to me what you mean by 17 that?</p> <p>18 A. Well, generally, when new initiatives are taken 19 up by an agency between the time that the legislature is 20 in session and they come back, we will be at a point 21 after this particular election to present findings on 22 here's what happened. We'll be at a point where we can 23 give complete analysis of what worked and what did not 24 work. And at that point -- it would be premature for us 25 to make substantive big major changes when the biggest</p>
<p style="text-align: right;">158</p> <p>1 A. Well, it just provided information on 2 inquiries. It provided information on -- it appears to 3 be a report of just what happened during that inquiry.</p> <p>4 Q. Are you aware of any changes that were made to 5 the EIC program based on information contained in the -- 6 in the reports that you received from DPS, such as what 7 we've seen in Exhibit 18 or Exhibit 20?</p> <p>8 A. No. As I stated previously, this is an 9 evolving process, so any information you'd get would 10 help you to tweak the program for what works and what 11 doesn't work. I'm quite -- I feel comfortable that our 12 staff, if they saw something in one of these e-mails 13 that needed to be changed or tweaked, they changed or 14 adjusted, they shared that with DPS so that they could, 15 DPS could make the changes. But since -- you know, 16 we're -- significant changes in what needs to be done, 17 if the changes need to be made, we're not -- we're not 18 at that point in the process.</p> <p>19 Q. Are you aware of any tweaks that were made by 20 your staff or recommended by your staff in the EIC 21 program?</p> <p>22 A. I can't -- well, the changes were made -- we're 23 now allowing non-DPS staff, like our staff, to work with 24 DPS. That frees up a little more time. But we're -- if 25 there have been technical -- or if there had been</p>	<p style="text-align: right;">160</p> <p>1 election that we have in this cycle is yet to come. So 2 our hope is let's allow -- let's continue to tweak, 3 let's continue -- if there need to be minor adjustments, 4 let's -- nothing has -- nothing has occurred that I'm 5 aware of or can recall right now that would -- that 6 would seem to be a need for a major change right now. 7 We have an upcoming election. Once we complete that, 8 we'll be able to see, like, let's take the total concept 9 of primaries, major election -- general election, 10 constitutional election, you have them all that you've 11 had, now we can see in the whole total picture what's 12 worked and what hasn't worked.</p> <p>13 Q. So --</p> <p>14 A. Because if something happens one time, it might 15 just be an accident or a fluke. But if there's a 16 consistent pattern of something happening, which I'm not 17 saying that there is, because it hasn't -- it hasn't 18 been reported, but once you have every type of a 19 potential election that you can have and you've gone 20 through it, then you present it to the Legislature and 21 see what the Legislature wants to do with it.</p> <p>22 Q. Now, I guess -- okay. I guess what I'm 23 wondering, though, is that -- I mean, the EIC program is 24 -- it's largely within the discretion of DPS, correct? 25 MR. SCOTT: Objection, form.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

41 (Pages 161 to 164)

<p style="text-align: right;">161</p> <p>1 Q. (By Ms. Maranzano) I mean -- okay. Let me 2 back up. The particulars of the EIC program are not 3 spelled out in SB 14, right? 4 MR. SCOTT: Objection, form. 5 Q. (By Ms. Maranzano) You can -- you can -- if 6 you need to refer back to the exhibit, I can -- I can 7 find it for you. 8 A. Are you saying -- what are you asking me about 9 the EIC in Senate Bill 14? Is it in it? 10 Q. No, that's not what I'm asking. I'm asking 11 about the way that the EIC program is implemented is not 12 written into SB 14, right? 13 A. I'm not aware of it being. 14 Q. So -- so I guess I'm -- I'm a little unclear on 15 why you would wait for the Legislature to go back into 16 session to make changes to the EIC program. 17 A. Now that's not what I said. 18 Q. Okay. Then maybe you can clarify. 19 A. What I said was we have a major election coming 20 up in November. 21 Q. Uh-huh. 22 A. At the end of November, we will have a total 23 picture of every type of election that you can have. 24 You would have had primaries, you would have had a 25 smaller constitutional election, you would have had a</p>	<p style="text-align: right;">163</p> <p>1 little bit on -- based on what we're doing now. I mean, 2 are you saying based on just the steps you're taking to 3 make EICs available? Or are you -- what are you looking 4 at to measure that this is how you should keep 5 implementing it? 6 A. Are you referring to the mobile units? Or -- 7 Q. No, no, I'm referring to the EIC 8 program generally. 9 A. Okay. The EIC program overall is not a 10 function of the Secretary of State's Office. 11 Q. Uh-huh. 12 A. I'm referring specifically to these mobile 13 units that we're helping DPS with. 14 Q. Okay. 15 A. And when I -- so when I refer to EICs, I'm not 16 talking about EICs for the whole state of Texas. That's 17 DPS. I'm talking about the effort that we're helping to 18 market these mobile units and do -- because the mobile 19 unit is more of a marketing issue than a regulatory 20 function, statutory function, that has been given to 21 DPS, not to us. 22 Q. Now, do you -- do you consider the SOS 23 involvement in the EIC program to be limited to the 24 mobile units? 25 A. As educating people about limited to the mobile</p>
<p style="text-align: right;">162</p> <p>1 major general election. At that particular point, when 2 you -- when you analyze all of that data, then you can 3 better -- in my opinion as a manager -- determine what 4 has worked and what has not worked. 5 Q. Okay. 6 A. When you do that -- November, it takes you a 7 while to get it done -- when you finish that analysis, 8 guess what, the Texas Legislature is in session. If 9 there is a need for something legislatively to occur for 10 this to continue, we will know that. Otherwise, we will 11 be able to keep doing what we're doing. 12 Q. In terms of a evaluating the EIC program, have 13 you considered whether it might be -- it might -- you 14 might want to evaluate it prior to the November 2014 15 election so that you can make sure you're implementing 16 the program effectively before a major federal election? 17 A. Well, based on what we have done so far, we 18 feel pretty comfortable with how we're implementing it. 19 Q. Okay. And what are you referring to when you 20 say based on what you've done so far? 21 A. Based on -- based on how the program is 22 operating now. We feel comfortable that that's the way 23 we should continue to do it as we approach the general 24 election. 25 Q. Okay. And I'm just -- I'm just moving you a</p>	<p style="text-align: right;">164</p> <p>1 units and educating people about what the requirements 2 are for voting. 3 Q. Okay. But have you used the information that 4 you've received from DPS to -- to change or refocus your 5 education at all? 6 A. Well, what do you mean? 7 Q. Well, when you get information from DPS that 8 has different inquiries that are made, have you used 9 that at all to evaluate your education program or to 10 change your education program? 11 A. Well, the information that you've shown me 12 today in terms of their inquiries, and I can't remember 13 the others without looking at them, doesn't indicate to 14 me that our effort to educate individuals has not been 15 successful. 16 Q. But as you sit here today, I'm just wondering 17 if you've received any information from DPS that has led 18 you to evaluate or make any changes to either your 19 education program or your mobile units? 20 A. No, I don't think we've received information 21 that warrant those types of changes as of yet. 22 (Exhibit 21 marked for identification.) 23 Q. (By Ms. Maranzano) I'm showing you what we've 24 marked as Deposition Exhibit 21. 25 A. Right.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

42 (Pages 165 to 168)

<p style="text-align: right;">165</p> <p>1 Q. Have you ever seen this or contents similar to 2 this?</p> <p>3 A. You know, ma'am, I have seen some data 4 language, but it was not in this -- it was in a -- it 5 wasn't -- it didn't -- it was not packaged like this.</p> <p>6 Q. Okay. Where have you seen data similar to 7 this?</p> <p>8 A. Well, DPS showed it to me.</p> <p>9 Q. Have you heard of DPS's SharePoint site?</p> <p>10 A. Personally, I haven't.</p> <p>11 Q. Okay. Are you familiar with how DPS is 12 maintaining information about the EICs?</p> <p>13 A. I just know that they provided information to 14 us. How they're doing it, I don't know.</p> <p>15 Q. When did they provide information that was 16 similar to this?</p> <p>17 A. Well, they provided it to us when they sat down 18 with us and met with us about next steps after we had 19 had our -- I don't remember the exact day, but after our 20 constitutional amendment election that we had.</p> <p>21 Q. And what happened in that meeting about next 22 steps?</p> <p>23 A. Well, we just kind of -- we talked about what 24 happen -- I mean, they talked to tell us where things 25 had happened. And we talked about how we could</p>	<p style="text-align: right;">167</p> <p>1 them to do this?" And they looked and said, "Yes, we 2 can."</p> <p>3 Q. Okay. But it was -- it was the suggestion of 4 someone from the Secretary of State's Office, can we be 5 trained?</p> <p>6 A. It was probably my suggestion.</p> <p>7 Q. Okay. Now, do you see --</p> <p>8 A. Actually, I think it was mine.</p> <p>9 Q. Do you see as of the date that this was printed 10 out or issued --</p> <p>11 A. Where is that?</p> <p>12 Q. Well, there's not a date on here, but you can 13 look -- if you look at the various dates, it's certainly 14 at least late May 2014.</p> <p>15 A. Oh, Lord.</p> <p>16 Q. Now, on the very first page, do you see at that 17 time there is -- the EICs approved and issued, it says 18 those are 266?</p> <p>19 A. Uh-huh, yes, ma'am.</p> <p>20 Q. Does that sound about right to your 21 recollection that as of late May 2014?</p> <p>22 A. It -- if this is a document that -- that they 23 showed us, it sounds right.</p> <p>24 Q. Do you have a reaction to that number?</p> <p>25 A. No.</p>
<p style="text-align: right;">166</p> <p>1 potentially get SOS employees trained and other agency 2 staff trained.</p> <p>3 Q. Was that the only change to the program that 4 was discussed at that meeting?</p> <p>5 A. I think so.</p> <p>6 Q. Was --</p> <p>7 A. I don't --</p> <p>8 Q. I'm sorry.</p> <p>9 A. I think DPS has procedures on how they do 10 things. And I think by the time they had this meeting, 11 they had their internal procedures set up for how they 12 were going to operate the next time. What those 13 procedures were, I don't know. All I wanted to be able 14 to do was tell me -- tell me and my staff where to show 15 up so we can be trained. Because just the size of our 16 agencies cause us to do things differently.</p> <p>17 Q. Was it the Secretary of State's Office or DPS 18 who suggested that SOS staff be trained?</p> <p>19 A. Well, we just kind of asked. We were just, as 20 we sitting around the table, "Is this something I can 21 train? We -- our staff members are elections 22 inspectors, and there's a training process, and I just 23 got to ask can we potentially train some of our staff 24 members who are good at elections inspecting, understand 25 the elections process, can we possibly train some of</p>	<p style="text-align: right;">168</p> <p>1 Q. No reaction?</p> <p>2 A. What type of reaction are you looking for?</p> <p>3 Q. Does it seem small? Does it seem large? Does 4 it seem about what you would expect?</p> <p>5 A. My reaction is there were voters that needed a 6 card, we provided a service, and if it had been one, one 7 more voter has that opportunity to have the data they 8 need. I mean, I -- I'm not quite sure how you want me 9 to evaluate it.</p> <p>10 Q. Do you believe that most voters in Texas 11 already have forms of ID that are required by SB 14?</p> <p>12 MR. SCOTT: Objection, form, foundation.</p> <p>13 A. I don't know.</p> <p>14 Q. (By Ms. Maranzano) When you see -- when you 15 see the number 266 EICs issued -- and this was probably 16 late May of 2014. Do you recall when you started 17 running the EIC program?</p> <p>18 MR. SCOTT: Objection, form, 19 mischaracterizes his testimony.</p> <p>20 Q. (By Ms. Maranzano) I'm sorry. Let me just 21 rephrase.</p> <p>22 Do you recall when the State started to 23 issue EICs?</p> <p>24 A. Ma'am, I can't remember the exact date. It was 25 sometime in -- wait. Wait. Ask me the question again.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

43 (Pages 169 to 172)

<p style="text-align: right;">169</p> <p>1 Q. When did EICs start to be issued?</p> <p>2 A. The first one, I have to go back and look. I</p> <p>3 don't have a firm date as to when DPS started doing</p> <p>4 that.</p> <p>5 Q. Do you think that -- have you considered</p> <p>6 whether the EIC program could be doing a better job?</p> <p>7 A. That's not my role to do.</p> <p>8 Q. You don't consider that your role?</p> <p>9 A. No, because we're not -- are you talking about</p> <p>10 mobile EICs? Are you talking about EICs --</p> <p>11 Q. We're talking about the overall program.</p> <p>12 A. Your question again?</p> <p>13 Q. Have you considered whether the EIC program</p> <p>14 could be improved?</p> <p>15 A. That's not my role to consider.</p> <p>16 Q. Do you think if you made suggestions to DPS</p> <p>17 about ways to improve the EIC program, they would listen</p> <p>18 to those suggestions?</p> <p>19 A. I think DPS would listen to anyone that gave</p> <p>20 them constructive positive advice that would help them.</p> <p>21 Q. Are you aware that DPS has actually changed</p> <p>22 items in the EIC program at the suggestion of the</p> <p>23 Secretary of State's Office?</p> <p>24 A. That could have happened. Specifically what</p> <p>25 those changes are, without someone recalling them for</p>	<p style="text-align: right;">171</p> <p>1 determine if eligible individuals are actually able to</p> <p>2 obtain EICs?</p> <p>3 A. What do you mean?</p> <p>4 Q. Have you made any effort to determine whether</p> <p>5 individuals who are eligible for an EIC are actually</p> <p>6 getting through the process and getting an EIC issued to</p> <p>7 them?</p> <p>8 A. How would we know who those people are?</p> <p>9 Q. Well, I'm asking you if you've made any efforts</p> <p>10 to look into this.</p> <p>11 A. I don't know how we would determine who those</p> <p>12 people are.</p> <p>13 Q. You don't know how you would determine who the</p> <p>14 people are who are getting EICs?</p> <p>15 A. No. I thought your question was are we -- I</p> <p>16 understood your question to me to be: Are we aware or</p> <p>17 are we working with individuals who were trying to get</p> <p>18 EICs. Is that your question?</p> <p>19 Q. My question is: Are you making any effort to</p> <p>20 look into the process of getting an EIC and whether</p> <p>21 people who are eligible for an EIC are actually getting</p> <p>22 EICs?</p> <p>23 A. That's not our role.</p> <p>24 Q. So have you done that? I take it that's a no,</p> <p>25 but I just want to be clear.</p>
<p style="text-align: right;">170</p> <p>1 me, I can't name them.</p> <p>2 Q. Do you recall that initially DPS was taking</p> <p>3 fingerprints of EIC applicants?</p> <p>4 A. I don't know if I remember. Ma'am, I can't</p> <p>5 recall if they were or not.</p> <p>6 Q. Okay. So you wouldn't be aware that --</p> <p>7 A. I may have been aware at one time, but I don't</p> <p>8 remember specifically if they were doing it, but I -- I</p> <p>9 just can't recall.</p> <p>10 Q. Do you know if anyone from the Secretary of</p> <p>11 State's Office suggested to them that they should stop</p> <p>12 doing that practice?</p> <p>13 A. Like I said, I don't remember. I don't</p> <p>14 remember specifically what they were doing. If they</p> <p>15 were doing that, that could have been a conversation</p> <p>16 that someone in our office did have with me.</p> <p>17 Q. And you don't know if that occurred?</p> <p>18 A. I don't remember -- I don't remember</p> <p>19 specifically fingerprinting.</p> <p>20 Q. Do you recall any other parts of the EIC</p> <p>21 program that were changed at the suggestion of the</p> <p>22 Secretary of State?</p> <p>23 A. Not without staff coming to me and refreshing</p> <p>24 my memory.</p> <p>25 Q. Have you or your office made any effort to</p>	<p style="text-align: right;">172</p> <p>1 A. No, I mean, I don't -- I really don't know what</p> <p>2 you're looking for, to be able to answer your question.</p> <p>3 Statutorily how that program works on EICs is not a</p> <p>4 function of our office. We're only responsible for</p> <p>5 educating people as to here are the requirements for</p> <p>6 voting. Analysis of EICs, what works and what doesn't</p> <p>7 work, is not a function of the Secretary of State's</p> <p>8 Office. That's a function of DPS and whoever else the</p> <p>9 Legislature deems should do that. And they've not</p> <p>10 deemed that the Secretary of State's Office should do</p> <p>11 that at this point.</p> <p>12 Q. Do you think that the Secretary of State's</p> <p>13 Office could fulfill its implementation responsibilities</p> <p>14 more effectively if it had more regulatory authority</p> <p>15 under SB 14?</p> <p>16 A. I think we're very effective in what we're</p> <p>17 doing right now.</p> <p>18 Q. Can you look back at Exhibit 21 and look at the</p> <p>19 third page for me?</p> <p>20 A. Uh-huh.</p> <p>21 Q. And do you see on this page, it actually breaks</p> <p>22 down the number of EICs that are issued at mobile units</p> <p>23 and driver's license offices and county offices.</p> <p>24 A. Are you talking about this fourth column over</p> <p>25 here?</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

44 (Pages 173 to 176)

<p style="text-align: right;">173</p> <p>1 Q. Yes, exactly.</p> <p>2 A. Okay. Okay.</p> <p>3 Q. Now, did you use this information to assess the</p> <p>4 mobile unit program at all?</p> <p>5 A. I didn't personally. I don't know if our staff</p> <p>6 did.</p> <p>7 Q. Did you talk to any staff about that?</p> <p>8 A. About this particular document?</p> <p>9 Q. Uh-huh.</p> <p>10 A. I don't recall having a conversation with staff</p> <p>11 about this document.</p> <p>12 Q. Did you have conversations with staff about the</p> <p>13 fact that DPS was gathering this information and they</p> <p>14 could use it as a way to assess the mobile unit program?</p> <p>15 A. I didn't have a discussion with them about</p> <p>16 assessing the mobile unit based on this information, but</p> <p>17 staff was available and staff was in the meeting where</p> <p>18 DPS provided this information.</p> <p>19 Q. So are you aware of whether your staff used</p> <p>20 this information to make any assessment or changes to</p> <p>21 the EIC mobile unit program?</p> <p>22 A. I'm not aware of how you would use this data,</p> <p>23 because right now it's just numbers. When you have 25</p> <p>24 mobile units and you got 254 counties, it's kind of safe</p> <p>25 to say that you probably won't be in the same place you</p>	<p style="text-align: right;">175</p> <p>1 how many EICs are issued by county and zip code?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Have you used this information at all when</p> <p>4 you're planning on your voter education program?</p> <p>5 A. No. Our voter education program is -- uses</p> <p>6 different analysis to target where we go, where --</p> <p>7 target the state, the entire state.</p> <p>8 Q. What analysis does your voter education program</p> <p>9 use?</p> <p>10 A. We have an outside vendor we hired. They do</p> <p>11 market analysis. And based on that market analysis, it</p> <p>12 teaches us, it shows us how to effectively cover the</p> <p>13 entire state of Texas during our marketing campaign.</p> <p>14 Q. Can you -- can you take a look two pages back</p> <p>15 on page 5?</p> <p>16 A. Two pages back from here?</p> <p>17 Q. Yes.</p> <p>18 A. All right. I can't even see this.</p> <p>19 Q. Do you see there's information about different</p> <p>20 demographics of EIC applicants?</p> <p>21 A. Okay.</p> <p>22 Q. Was there any analysis that you or your office</p> <p>23 conducted related to the race of the -- the applicants?</p> <p>24 A. Ma'am, as I said before, we have not done any</p> <p>25 analysis at this point because too early in the game.</p>
<p style="text-align: right;">174</p> <p>1 were last time the next time you do it.</p> <p>2 Q. Have you used the number of EICs issued from</p> <p>3 mobile units to --</p> <p>4 A. To do what?</p> <p>5 Q. To make any changes to your mobile unit</p> <p>6 program.</p> <p>7 A. As I've consistently said, it's too early in</p> <p>8 the game to make holistic changes in the mobile EIC</p> <p>9 program because the biggest election and the biggest</p> <p>10 election cycle is yet to come.</p> <p>11 Q. And can you look on -- on the seventh page of</p> <p>12 this document?</p> <p>13 A. One, two, three, four, five, six, seven. Are</p> <p>14 we on the same page?</p> <p>15 Q. Does it have a list of counties?</p> <p>16 A. Did I count wrong?</p> <p>17 Q. Maybe I counted wrong.</p> <p>18 A. One, two, three, four, five, six -- I counted</p> <p>19 wrong. Forgive me, seven, yes, ma'am.</p> <p>20 Q. Have you used this information about the EICs</p> <p>21 issued in different counties and different zip codes to</p> <p>22 -- to target your education at all, your voter</p> <p>23 education?</p> <p>24 A. Have we done what now?</p> <p>25 Q. Well, do you see that there's information about</p>	<p style="text-align: right;">176</p> <p>1 Q. And have you considered the racial breakdown of</p> <p>2 EIC applicants --</p> <p>3 A. We've not --</p> <p>4 MR. SCOTT: Let her finish.</p> <p>5 Q. (By Ms. Maranzano) -- as you plan for future</p> <p>6 EIC mobile outreach or voter education outreach.</p> <p>7 A. We've not made any considerations at this</p> <p>8 particular point. It is too early in the game.</p> <p>9 Q. Have you instructed DPS or had any discussions</p> <p>10 with DPS about the information they contained -- they</p> <p>11 gathered and how to evaluate the program based on it?</p> <p>12 A. Not at this point.</p> <p>13 Q. What -- what is the purpose of gathering all</p> <p>14 this information now?</p> <p>15 A. You would have to ask DPS that. This is their</p> <p>16 information.</p> <p>17 Q. Are you aware of the number of individuals who</p> <p>18 have received the disability exemption under SB 14?</p> <p>19 A. No, ma'am.</p> <p>20 Q. If I told you that as of January 15, 2014, 18</p> <p>21 individuals have received the disability exemption, what</p> <p>22 would be your reaction to that number?</p> <p>23 A. I don't have a way to react to it because I</p> <p>24 don't know what the circumstances are.</p> <p>25 Q. You don't think it's a -- you have no reaction</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

45 (Pages 177 to 180)

<p style="text-align: right;">177</p> <p>1 to knowing the number of registered voters in the state 2 of Texas, which I assume you know, do you have any 3 reaction to the fact that 18 people have received the 4 disability exemption? 5 A. I don't know the circumstances -- 6 MR. SCOTT: Objection, form. 7 A. I don't know the circumstances behind that 8 number. 9 Q. (By Ms. Maranzano) What do you mean by the 10 circumstances? 11 A. I don't know what -- I don't know anything 12 about that particular number. I don't know. 13 Q. Okay. Have you done any outreach with 14 disability groups to ensure that they're aware of the 15 disability exemption? 16 A. Our office has -- with this particular 17 campaign, our office works with all groups and our 18 office interacts with advocates for disabilities to make 19 sure that their issues are addressed. 20 Q. What do you mean by this particular campaign? 21 Did you say with regard to -- 22 A. Well, with any particular campaign. 23 Q. Okay. 24 A. Any particular election, our office -- campaign 25 is the incorrect word. Election, election cycle. We</p>	<p style="text-align: right;">179</p> <p>1 A. I mean, I don't know if they're considering it 2 or if it's being done. I don't know. I mean, we're -- 3 I would have to ask my elections staff have they done 4 that yet or is that something that is going to be done. 5 I personally don't know. 6 Q. Okay. Do you know if there's been any request 7 to the counties to do any such analysis? 8 A. I'm -- I'm -- I don't know. 9 Q. Are you aware of any errors by a county in 10 counting the provisional ballot that was cast by 11 somebody without an ID? 12 A. Me personally? 13 Q. Uh-huh. 14 A. I'm not aware. I'm not saying it didn't 15 happen. 16 Q. I was just about to ask you: Would you be 17 aware, if that was something that had happened, do you 18 believe you would be aware of it? 19 A. If it were shared with our staff, I hope 20 someone would have shared it with me. 21 Q. Has the Secretary of State's Office done any 22 analysis on what populations are more likely to vote by 23 mail? 24 A. What do you mean by populations? 25 Q. The demographics of people who are more likely</p>
<p style="text-align: right;">178</p> <p>1 frequently work, we being our election staff, we're 2 doing work with the advocates of -- of those with 3 disabilities to make sure that their issues are 4 addressed. 5 Q. And have you worked with them specifically on 6 education about the disability exemption contained in SB 7 14, to the best of your knowledge? 8 A. I would hope that our staff has been 9 interacting with them as they've have been directed to 10 interact with several different individuals and groups 11 as it relates to Senate Bill 14. We're -- if there's an 12 issue, we want to address it with our constituent group. 13 Q. Do you know what other advocacy groups your 14 office is working with? 15 A. Ma'am, off the top of my head, I -- I can't -- 16 Elections would have to tell me exactly who, because 17 they've been working with them. Nothing at this 18 particular point has risen to the -- to the role where 19 these could be addressed by me, and it's been 20 effectively handled by our election staff. 21 Q. Has the Secretary of State's Office done any 22 analysis of how many individuals have voted 23 provisionally because they lacked photo ID? 24 A. I don't know. 25 Q. You don't know of any analysis?</p>	<p style="text-align: right;">180</p> <p>1 to vote by mail. 2 A. I can't say specifically that has been done or 3 not. 4 Q. Do you have any knowledge, as you sit here 5 today, about the demographics of people more likely to 6 vote by mail? 7 A. Personally, probably not. 8 Q. Would you agree that in many African American 9 communities there's a tradition of voting in person? 10 A. Versus what? 11 Q. Voting by mail. 12 A. If -- I don't know. If that's what the -- I 13 don't know what the statistics say. 14 Q. You have no knowledge as you sit here today? 15 A. I know how I vote. 16 Q. But I'm asking about African American 17 communities in general. Do you have any knowledge? 18 A. Statistically? 19 Q. Statistically or any other way. 20 A. Why would I? 21 Q. I'm just wondering would you agree -- 22 A. I can't agree with -- I cannot agree based on 23 the fact that I've not studied it. 24 Q. Okay. Has the Secretary of State's Office done 25 any analysis of voter turnout since SB 14 has been</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

46 (Pages 181 to 184)

<p style="text-align: right;">181</p> <p>1 implemented?</p> <p>2 A. I think we -- we know voter totals for the</p> <p>3 constitutional amendment elections that we've had. I</p> <p>4 can't give you specifics, but I do know that the total</p> <p>5 number of voters was up.</p> <p>6 Q. And --</p> <p>7 A. Or increased.</p> <p>8 Q. Would you say that there's a number of</p> <p>9 different factors that impact voter turnout on any given</p> <p>10 election?</p> <p>11 A. I guess that could be said about any election.</p> <p>12 Q. Do you know what some of those factors are?</p> <p>13 A. You know, it could be a number of things. It</p> <p>14 could be the issues. It could be the candidates. There</p> <p>15 are a plethora of different issues that affect why a</p> <p>16 person decides they want to go to the polls, and there's</p> <p>17 nobody that has a silver-bullet answer as to if people</p> <p>18 are going to turn out or not.</p> <p>19 Q. Have you ever heard that the weather can be a</p> <p>20 factor in voter turnout?</p> <p>21 A. I've heard the press say that.</p> <p>22 Q. When you -- when you look at election turnout,</p> <p>23 do you factor -- do you try to factor in these different</p> <p>24 -- these different issues that can impact voter turnout?</p> <p>25 A. Me personally?</p>	<p style="text-align: right;">183</p> <p>1 that?</p> <p>2 A. Like I said, I don't know the specifics of it.</p> <p>3 I would -- if -- I don't know. If it's election-related</p> <p>4 and if he's been asked, I'm quite sure he probably would</p> <p>5 be involved.</p> <p>6 Q. So do you know any of the details of what this</p> <p>7 study is looking at?</p> <p>8 A. Not at this point.</p> <p>9 Q. Okay. Do you believe DPS is the appropriate</p> <p>10 agency to be issuing EICs?</p> <p>11 A. That's not for me to determine.</p> <p>12 Q. Apart from this responsibility of issuing EICs,</p> <p>13 DPS doesn't have any other election-related functions,</p> <p>14 correct?</p> <p>15 A. Well, I mean, they -- other than providing</p> <p>16 their data, I mean, their list to us.</p> <p>17 Q. Their list?</p> <p>18 A. Of voters for like voter jury wheel and stuff</p> <p>19 like that.</p> <p>20 Q. I see. So it provides the jury wheel to you to</p> <p>21 use --</p> <p>22 A. We get DPS data from DPS.</p> <p>23 Q. I see. And apart from that, which is mostly</p> <p>24 just providing you with data, it doesn't have any other</p> <p>25 election-related responsibilities, correct?</p>
<p style="text-align: right;">182</p> <p>1 Q. Yes.</p> <p>2 A. I look at the numbers.</p> <p>3 Q. You just look at the numbers?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Do you think about the other things that might</p> <p>6 -- do you think about all the different --</p> <p>7 A. I look at the numbers and I look at what they</p> <p>8 were this year versus what they were last year. And</p> <p>9 what they are this year since Senate Bill 14 has been</p> <p>10 enacted is they're up.</p> <p>11 Q. Uh-huh. And do you correlate that with Senate</p> <p>12 Bill 14?</p> <p>13 A. I haven't made a correlation at this point.</p> <p>14 Q. Okay. Do you consider the EIC program to be a</p> <p>15 success?</p> <p>16 A. It's not for me to determine whether it's</p> <p>17 successful or not.</p> <p>18 Q. Are you familiar with the legislative study</p> <p>19 that's occurring on the implementation of SB 14?</p> <p>20 A. A current one?</p> <p>21 Q. Yes.</p> <p>22 A. I know that there are interim studies looking</p> <p>23 at different things. Have I been specifically involved</p> <p>24 in any of that? No, I haven't.</p> <p>25 Q. Do you know if Mr. Ingram is involved in any of</p>	<p style="text-align: right;">184</p> <p>1 A. When you -- what type of election-related</p> <p>2 responsibilities are you potentially referring to?</p> <p>3 Q. Any election-related responsibilities.</p> <p>4 A. Well, I mean, none, other than they are --</p> <p>5 they're -- I mean, if there are law enforcement issues,</p> <p>6 I mean, I guess they would, I mean, potentially be</p> <p>7 involved. No, I guess that would be the local folks.</p> <p>8 Q. Is DPS primarily a law enforcement agency?</p> <p>9 A. Well, it's a law enforcement agency, and it's</p> <p>10 an issue -- they're the agency that in the state of</p> <p>11 Texas that issues identification.</p> <p>12 Q. Do you know if state troopers are often present</p> <p>13 at driver's license offices?</p> <p>14 A. Driver's license offices where? Across Texas?</p> <p>15 Q. Uh-huh.</p> <p>16 A. Ma'am, it's been so long since I've been into</p> <p>17 one, I don't know.</p> <p>18 Q. Do you know if any law enforcement tends to be</p> <p>19 present in driver's license offices?</p> <p>20 A. Like I said --</p> <p>21 Q. No, you don't know?</p> <p>22 A. It's been so long since I've been in one. I've</p> <p>23 been out to the state headquarters, and they have law</p> <p>24 enforcement there. I've been to the one in my local</p> <p>25 area out in Pflugerville, and I have no idea if there</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

47 (Pages 185 to 188)

<p style="text-align: right;">185</p> <p>1 was a law enforcement agent there or not. I went in and 2 asked my specific question and I left, so. 3 Q. Do you know if DPS runs warrant checks on EIC 4 applicants? 5 A. I don't -- for EICs, I don't know what they do. 6 At least, I can't remember what they do. 7 Q. What? 8 A. I said that I don't know. I can't necessarily 9 remember. They might. 10 MS. MARANZANO: Will you mark this? 11 (Exhibit 22 marked for identification.) 12 A. Without looking at something to refresh my 13 memory, I don't know if they do or not. 14 Q. (By Ms. Maranzano) Okay. I'm showing you what 15 we've marked as Deposition Exhibit 22. Do you recognize 16 this or the contents within it? 17 A. You know, I remember the issue of -- now that 18 I've seen this -- 19 Q. Uh-huh. 20 A. -- that there was something they could do with 21 warrants. I don't remember what it was. But on the 22 mobile units, whatever it was, it was not done. 23 Q. It was not done? So in September of 2013, is 24 it fair to say that DPS was considering running warrant 25 checks on --</p>	<p style="text-align: right;">187</p> <p>1 A. No. 2 Q. How would you describe the relationship between 3 the office of the Secretary of State and DPS related to 4 the EIC program? 5 A. Great. 6 Q. Do you think each agency is similarly motivated 7 with respect to the EIC program? 8 A. I can't speak to the motivation of other 9 agencies. I can only speak to the motivation of the 10 Secretary of State's Office. 11 Q. At any time since DPS has begun issuing EICs, 12 have you had any concerns about tasking DPS with 13 additional work? 14 A. What do you mean by tasking them with 15 additional work? 16 Q. Have you had any concerns about the workload 17 that DPS has in terms of the EIC program? 18 A. I haven't had any concerns. 19 Q. Have you considered whether DPS has sufficient 20 resources to effectively implement the EIC program? 21 A. The EIC program? 22 Q. Uh-huh. 23 A. I'm not understanding why I would. 24 Q. Have you heard from anybody at DPS that they 25 don't think they have sufficient resources to</p>
<p style="text-align: right;">186</p> <p>1 A. I don't know what they were considering doing. 2 Q. Okay. Well, it looks like -- 3 A. Because -- 4 Q. Yeah. 5 A. They say they have the ability to run them. It 6 doesn't say they were going to do it. 7 Q. Okay. So was there any discussion in response 8 to this e-mail about whether or not it made sense for 9 them to do warrant checks? 10 A. I think there was a clarification on our office 11 as far as are you going to do this or are you not, and 12 they more or less said they were not going to do it. 13 Q. Okay. And was that the extent of the 14 communication that you had with them about -- 15 A. As far as I remember. 16 Q. And do you know if they did warrant checks on 17 EIC applicants in any other context? 18 A. I don't know, ma'am. 19 Q. Do you think applicants might be deterred from 20 applying for an EIC at an agency that they associate 21 with law enforcement? 22 MR. SCOTT: Objection, form, 23 specialization. 24 A. I don't know. 25 Q. (By Ms. Maranzano) You don't know?</p>	<p style="text-align: right;">188</p> <p>1 effectively implement the EIC program? 2 A. I haven't heard from them on the EIC program. 3 I mean, they -- we were able -- when we started talking 4 about mobile EICs, we were able to provide them some 5 assistance because they hadn't budgeted for that 6 particular effort, but what they're doing with the EICs, 7 separate from these mobile units, is their business and 8 their function and their budget. Don't have anything to 9 do with it. So the idea that we came up with jointly, 10 we didn't just say we have this idea of mobile EICs, you 11 all go do it. We said we have this idea of mobile EICs, 12 we will help you get it done. 13 Q. Were there any other ideas that you came up 14 with that you suggested to DPS -- 15 A. No. 16 Q. -- about the EIC program? 17 A. At this point, just trying to get this one to 18 work. 19 MS. MARANZANO: Can we go off the record 20 for about two minutes? I think I'm just about finished. 21 (Recess from 1:58 to 1:59 p.m.) 22 Q. (By Ms. Maranzano) Are you aware of any 23 allegations of noncitizen voting? 24 A. No more than what you hear on the news 25 accounts.</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014


48 (Pages 189 to 192)

<p style="text-align: right;">189</p> <p>1 Q. You don't have any personal knowledge of any 2 allegations as you sit here today? 3 A. Not that I -- not that I can remember. 4 Q. Okay. Would you -- is it fair to say that 5 Ms. McGeehan was a knowledgeable employee? 6 A. It's a fair statement. 7 Q. Trustworthy employee? 8 A. I would think so. 9 Q. And she reported directly to you, correct? 10 A. While she was -- while she was -- while -- for 11 the time that she was there while I was there, yes. 12 Q. Okay. While she was the Director of 13 Elections -- 14 A. Right. 15 Q. -- and while you were the Deputy -- 16 A. Right. 17 Q. -- Secretary of State? 18 A. Right. Now, what was that question you asked 19 again about noncitizens? 20 Q. If you were aware of any allegations of 21 noncitizen voting. 22 A. You hear these things all the time, and you 23 don't know. I can't qualify where those statements came 24 from. 25 Q. Okay. When you hear people talking about</p>	<p style="text-align: right;">191</p> <p>1 CHANGES AND SIGNATURE 2 RE: VEASEY, ET AL. VS. PERRY, ET AL. 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 I, COBY SHORTER, III, have read the foregoing 21 deposition and hereby affix my signature that same is 22 true and correct, except as noted above. 23 _____ 24 _____ 25 COBY SHORTER, III</p>
<p style="text-align: right;">190</p> <p>1 illegal immigrants in Texas, what population do you 2 usually take them to be referring to? 3 A. I don't take them to -- any -- I mean, someone 4 who is not here legally can be from anywhere. 5 Q. Do you -- where is the largest immigrant 6 population in Texas, do you know? 7 A. Without somebody specifically telling me where 8 they're from. 9 Q. You don't know? 10 A. I wouldn't speculate on this because I may be 11 totally wrong. 12 Q. Okay. 13 MS. MARANZANO: I don't have any further 14 questions. Thank you for your time. 15 THE WITNESS: Well, thank you. 16 MR. SCOTT: We reserve ours. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">192</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION 4 MARC VEASEY, et al.,) 5 Plaintiff,) 6 VS.) CIVIL ACTION NUMBER: 7) 2:13-CV-193 (NGR) 8 RICK PERRY, et al.,) 9 Defendants.) 10) 11 UNITED STATES OF AMERICA,) 12 Plaintiff,) 13 VS.) CIVIL ACTION NUMBER: 14) 2:13-CV-263 (NGR) 15 TEXAS LEAGUE OF YOUNG VOTERS) 16 EDUCATION FUND, et al.,) 17 Plaintiff-Intervenors,) 18) 19 TEXAS ASSOCIATION OF HISPANIC) 20 COUNTY JUDGES AND COUNTY) 21 COMMISSIONERS, et al.,) 22 Plaintiff-Intervenors,) 23 VS.) 24 STATE OF TEXAS, et al.,) 25 Defendants.) 26) 27 TEXAS STATE CONFERENCE OF) 28 NAACP BRANCHES, et al.,) 29 Plaintiff,) 30 VS.) CIVIL ACTION NUMBER: 31) 2:13-CV-291(NGR) 32 NANDITA BERRY, et al.,) 33 Defendants.)</p>

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

49 (Pages 193 to 194)

<p style="text-align: right;">193</p> <p>1 BELINDA ORTIZ, et al.,) 2) 3 Plaintiffs,) 4) 5 VS.) CIVIL ACTION NUMBER: 6) 2:13-CV-348(NGR) 7 STATE OF TEXAS, et al.,) 8) 9 Defendants.) 10) 11) 12) 13) 14) 15) 16) 17) 18) 19) 20) 21) 22) 23) 24) 25)</p> <p style="text-align: center;">REPORTER'S CERTIFICATION DEPOSITION OF COBY SHORTER, III AUGUST 12, 2014</p> <p>I, Chris Carpenter, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following: That the witness, COBY SHORTER, III, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness; That the deposition transcript was submitted on the _____ day of _____, 2014, to the witness or to the attorney for the witness for examination, signature and return to _____, by _____, 2014, and if returned, the original transcript will forwarded to Jennifer Maranzano, the custodial attorney; That the amount of time used by each party at the deposition is as follows: Mr. Maranzano: 4 hours, 23 minutes</p>	
<p style="text-align: right;">194</p> <p>1 I further certify that I am neither counsel for, 2 related to, nor employed by any of the parties or 3 attorneys in the action in which this proceeding was 4 taken, and further that I am not financially or 5 otherwise interested in the outcome of the action. 6 Certified to by me this 12th of August, 2014. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">  Chris Carpenter, Texas CSR 1151 Expiration Date: 12/31/2014 701 Brazos, Suite 380 Austin, TX 78701 (512)292-4249 Firm Registration No. 344</p>	

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

1

A			
A&M 10:20	193:3 194:3,5	affidavit 105:2,9	allow 53:5 91:13
a.m 2:17 88:5	actions 151:23	affidavits 104:19,23	117:21 150:13
ability 62:18 81:3	152:14	affix 191:21	160:2
87:4 108:18 109:4	active 11:2	African 39:23 180:8	allowable 53:6
186:5	activities 13:10,12,13	180:16	allowed 52:3 53:2
able 16:24 17:1,2,6	13:19 17:17	ag 11:6	56:11
31:14,16 39:17	activity 155:23,23,24	agencies 104:10	allowing 158:23
42:25 44:2 65:8	actual 15:2 16:24	112:6 113:17 146:1	ambiguous 45:8,15
81:10 86:12 108:13	17:2 27:19 74:21	146:2 166:16 187:9	amendment 104:15
109:24,25 114:11	75:24 126:1 129:2	agency 11:23 12:21	104:17,22 105:1
117:11,15 124:17	139:10 156:8	13:12 19:6 25:1	106:14 107:9,15
124:18,19 125:17	addition 141:12	28:14,16 42:24 52:6	108:8 165:20 181:3
136:19 146:14	additional 114:13	53:4 87:9 117:19	amendments 102:11
150:5 160:8 162:11	134:13 140:6,11	118:15,16 128:11	103:12,16,20,24
166:13 171:1 172:2	141:7,7,9,10 145:16	128:12,15 146:5	104:3 107:3,6
188:3,4	149:17 187:13,15	159:19 166:1	108:12
above-styled 2:16	address 140:19	183:10 184:8,9,10	AMERICA 1:8 3:2
absence 24:4	178:12	186:20 187:6	192:8
absentee 105:18	addressed 14:18	agent 185:1	American 39:23
absolutely 47:3 57:6	54:22 159:11	ago 11:7 17:12 33:23	180:8,16
57:9,13 108:3	177:19 178:4,19	75:10	amount 122:14
accepted 42:13 49:2	adjusted 158:14	agree 57:4 180:8,21	124:20 126:2
125:7,13 156:17	adjustments 160:3	180:22,22	193:23
access 12:13 139:5	administer 12:18	agreed 147:19	analyses 30:6 31:2
accident 160:15	19:3	agreeing 57:7	analysis 25:4,10 28:7
accommodating	administering 9:4,13	agreement 56:3	29:15 30:5,24 31:3
125:7	administration 8:7	118:17,25	31:12 37:6 38:7
accompany 63:6,15	9:1 18:1 53:8	agreements 132:20	59:13 62:6,10 64:3
accomplish 91:8	administrative 56:10	agriculture 8:3,5,6	64:8,11,14 83:18
account 104:5	57:5	10:13	85:15 95:3,5,13
accounts 149:4	administrator	ahead 25:7 51:8 80:1	97:13 98:1 99:24
188:25	152:18	108:15 115:16	101:14,16 102:1,5
accuracy 85:15 88:10	administrators	148:21	111:17 141:24
89:2,21	114:11 119:21	al 1:3,6,12,15,18,21	142:6,7,10,13
accurate 43:11 62:7	132:10 133:13	1:24 2:1,4 191:2,2	159:23 162:7 172:6
68:7 91:5 94:17	advance 124:2,12	192:3,6,12,15,18,21	175:6,8,11,11,22,25
97:12,22,24 99:10	advice 169:20	192:24 193:1,4	178:22,25 179:7,22
107:23 111:8	advocacy 178:13	alert 56:12	180:25
accurately 6:17	advocates 177:18	alerts 57:18	analyze 94:14,20
92:25	178:2	all-inclusive 142:10	162:2
action 1:5,10,22 2:3	affairs 21:15 55:8	allegation 47:22	analyzed 76:10
20:24 192:5,10,22	58:15,18,21 62:14	allegations 47:13	Ann 76:8,9,18 77:11
	77:13 83:14	48:1,7 112:8 188:23	78:8,17,22 86:3,5
	affect 181:15	189:2,20	announced 122:24

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

2

announcements 123:7	85:11 87:11,14 92:6	areas 119:16 120:22 120:23 136:6 146:9 146:10,11	126:11
announcing 123:1	applicants 151:12,13 170:3 175:20,23	argumentative 24:24 25:7 101:19	ASSOCIATION 1:14 192:14
answer 21:6,7,20 24:25 31:16 33:1,7 37:24 43:5,6 44:13 45:15 53:10 61:14 65:8 78:24 79:10,14 79:15,25 80:9,10 81:11,18 82:6,11 84:17,18 85:7 87:9 87:15 92:2 97:23 98:5 101:21 103:25 104:1 123:19 137:14 142:23 172:2 181:17	176:2 185:4 186:17 186:19 application 64:21 65:16,24 66:10,19 67:2 69:24 89:11 applications 64:6 66:1,5 applied 16:18,22 applies 104:23 apply 12:22 16:14,22 113:12 applying 186:20 appointed 8:13,14,15 8:16 appointing 8:24 15:15,17 16:6 appointment 8:18 Appointments 8:9 apprehension 89:13 89:14 apprised 14:8 109:8 109:12 153:1 approach 86:24 162:23 appropriate 12:4 48:12 112:6 124:20 151:15 183:9 appropriately 124:24 appropriations 134:7 134:8 approval 83:17 84:1 84:8 approved 106:19 167:17 approximately 27:8 approximation 104:6 April 4:22,23 area 16:19 38:1 86:21 126:1 154:7 154:14 156:17 184:25	arriving 151:13 art 10:21 asked 8:22 16:21,22 24:12 38:2 43:2 44:12,14 45:11,12 52:22 59:23 67:24 74:5 79:17 81:2,7 85:3 93:11 97:7 99:2 125:10 155:25 166:19 183:4 185:2 189:18 asking 16:15 23:11 23:15 33:11,12,23 34:15 39:4,6,22 40:8 49:6,7 51:21 59:1 61:14 64:17 65:2 69:22 71:9 83:24 113:4,4 128:12 161:8,10,10 171:9 180:16 asks 45:1 62:3 71:4,6 74:7 assess 150:8 173:3,14 assessing 173:16 assessment 94:17 173:20 Assessor/Collector 129:9 assist 114:5 assistance 134:9 143:1 146:5,14,15 188:5 Assistant 3:9 assisted 37:15 114:7 127:17 assisting 16:10 142:24 146:23 associate 186:20 associated 125:21	assume 177:2 assumes 24:24,24 25:6 81:17 148:20 149:22 atlas 136:19 attached 2:22 76:19 88:24 attachment 4:25 135:10 Attachments 4:18 attempt 75:19,22 100:4 attempting 72:18 attempts 74:25 75:25 99:25 attention 71:23 attorney 2:20 3:9,9 17:14 193:18,22 attorneys 194:3 August 2:10,17 193:8 194:6 Austin 2:20 3:10 9:22 10:2 194:11 authorities 48:12 authority 53:1 114:23 115:11 172:14 authorization 97:2 authorized 106:20 availability 59:13 available 24:3 25:4 25:10 26:24,25 32:24 37:6 110:23 111:6,10,12 113:11 116:17 117:23 144:22,23 147:19 163:3 173:17 Avenue 3:5 avoid 140:6 aware 13:13,16,18 15:4 26:7 27:20
anybody 6:20,24 22:18 56:7 57:25 79:16 81:14,21,23 82:1,3,8 83:2,18 90:14 100:25,25 101:9 125:10,13 151:10 187:24 apart 6:22 87:21 142:19 183:12,23 apologize 153:10 appear 78:25 106:4 Appearances 4:2 appeared 17:20 25:24 89:25 94:23 appears 32:10 43:14 59:11,14 71:4 106:6 131:10 137:3 157:1 157:6,19 158:2 apples 77:21 80:21			

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

3

30:18 38:13 47:25 48:8 49:1 52:24 54:12,14,19 55:12 60:1,3,15,19,24 70:15 72:22,24,25 73:3,19 74:23,25 75:1 79:3,17 100:21 100:22 103:15,18 106:13,17,22,25 107:4,7 110:4,8 111:20 112:7,15,21 119:6 123:23 124:6 143:3,13 144:19,21 145:3 148:9 158:4 158:19 160:5 161:13 169:21 170:6,7 171:16 173:19,22 176:17 177:14 179:9,14,17 179:18 188:22 189:20 awareness 27:15 95:8 95:10 awful 52:5	based 15:25 17:14 37:9 38:24 59:11 70:23 79:25 95:11 101:15,19 102:4 105:13 116:7 135:6 139:12 146:16 151:18 156:4,15 157:20 158:5 162:17,20,21,21 163:1,2 173:16 175:11 176:11 180:22 basis 36:16,17,23 52:16 54:4 113:25 125:20 154:1,3,11 Bass 145:21,23 Bates 69:19 begun 187:11 behalf 42:24 believe 17:10 24:13 25:3,9 32:19 43:16 44:23 50:10 55:6 62:6 74:22 77:3 82:19 92:5 95:5 99:10 108:20 110:16,22 111:6 117:9,13 118:7 145:13 147:12 149:20 168:10 179:18 183:9 believed 84:8 BELINDA 2:1 193:1 BERRY 1:24 192:24 best 25:2,4,10 31:13 37:6 54:20 62:18 65:18 81:3 83:6 86:24 87:3 100:16 108:18 109:4 110:22 111:6,9 130:11 152:21 178:7 better 131:19 162:3 169:6 Beuck 102:23 103:1	103:10 106:5 big 159:25 biggest 159:25 174:9 174:9 bill 19:15 20:3,3,18 20:20,22 21:3 24:14 24:15,22 31:20 32:5 32:9,12,14 33:11,14 33:19 38:12,15 46:14,16,23 47:5,8 47:11,11,12 48:5 49:13,14,15,21 51:4 51:7,7,25 55:15 62:21 73:14 74:15 74:21 90:24 103:24 104:4 106:23 108:17 109:5 113:2 113:12,15 116:7 161:9 178:11 182:9 182:12 bills 21:11,14 22:2 23:21 37:16,19 54:5 55:1,8 birth 42:9 152:13 bit 67:9 120:9 163:1 body 138:17 bottom 34:9 70:8 71:24 73:4,15 80:4 138:3,5 145:19 Box 3:10 BRANCHES 1:21 192:21 Brazos 194:10 break 57:17 88:6 150:15 breakdown 176:1 breaks 71:7 172:21 briefed 84:21 153:6 briefly 10:17 bring 44:17 78:9 broad 26:10 117:20 broader 45:4 brought 109:9 Bruce 129:8	budget 188:8 budgeted 188:5 building 68:16 bump-ups 120:13 bumped 120:14 bunch 34:8 burden 57:16,17 bureau 28:13 Bush 8:7 business 126:9 131:25 143:11 188:7 busy 128:12 buy 138:22
<hr/> C <hr/>			
C 3:1			
call 26:15,16,17 92:16 104:9,10 121:11 124:3			
called 121:12			
calls 27:8,9 68:12 79:25 82:15 84:10 144:5			
campaign 9:23 116:2 116:3 175:13 177:17,20,22,24			
campaigns 9:16 10:6 10:11			
candidates 17:7 181:14			
capable 62:4			
capacity 10:8			
Capitol 68:16,20			
card 25:19,24 68:1 68:11 94:21 168:6			
cards 94:11 155:25			
Carpenter 2:18 193:9 194:9			
case 7:2 44:16,18 52:25 60:21 62:23 67:10			
cases 29:1			
cast 26:1 179:10			

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

4

casting 117:20 categories 48:25 categorized 153:16 cause 2:16 166:16 cc'd 95:22 144:7 154:4 census 28:13 centers 119:5 certain 113:16 certainly 28:2 167:13 certificate 4:6 40:9 41:18,24 42:2,8,12 43:7 48:15 49:1,4 51:2,3,10,21 52:2 52:23 53:6 117:23 152:13 certificates 42:10,10 48:15 50:23,23 CERTIFICATION 193:7 certified 127:9 193:9 194:6 certify 193:10 194:1 chain 4:17 5:4 154:22 chaired 58:20 challenge 128:14,14 139:15 chance 107:19 chances 84:17 change 19:4,5,5,8 160:6 164:4,10 166:3 191:3 changed 158:13,13 169:21 170:21 changes 4:5 113:20 158:4,15,16,17,22 159:1,13,25 161:16 164:18,21 169:25 173:20 174:5,8 191:1 characterization 139:9 characterizing 36:17 charge 11:12	checks 185:3,25 186:9,16 chief 11:10 55:4,5 choices 147:24 choose 150:13 chose 147:21 Chris 2:18 193:9 194:9 CHRISTI 1:2 192:2 Christian 10:21 circumstances 23:23 23:24 26:3 45:3 176:24 177:5,7,10 citizen 148:10,18,22 citizenship 40:9,10 41:18,21 42:2,2,6,8 48:14 49:5,10 50:22 51:2 Civil 1:5,10,22 2:3,21 3:4 192:5,10,22 193:3 claiming 104:23 clarification 186:10 clarify 13:6 161:18 clear 57:11 65:12 87:19 171:25 clearly 36:19 close 13:17,21 52:5 closely 12:8,10 21:10 clue 53:11 62:25 73:22 104:13 147:6 Coby 2:9,14 4:3 6:1 6:12 76:20 77:3 191:20,25 193:7,12 code 18:25 47:9 120:17 175:1 codes 119:19 174:21 collaboratively 114:8 collect 59:2 121:25 column 172:24 combination 135:7 135:25 come 27:18 33:7,24 65:17 68:3 80:22	81:11 109:8,13 114:25 136:24 137:23,23,25 139:7 142:13 148:4 152:4 153:15 154:19 159:20 160:1 174:10 comes 15:10 20:7 66:7 comfortable 43:10 77:22 96:1 139:5 140:18,25 158:11 162:18,22 coming 10:1,2 87:25 124:9,24 142:11 152:19 161:19 170:23 comment 39:21 71:21 73:5 106:12 commission 29:5,9 commissioner 10:13 COMMISSIONERS 1:15 192:15 commissions 30:11 committee 4:10,16 4:20 21:9,16,21 22:1 23:25 33:3 34:7 55:7,13 58:14 58:18,21 59:19 62:14,17,20 63:5,23 67:23 69:11 93:15 96:5,11,14,15 98:24 100:3,10 103:4,6 106:8,23 committee's 63:12 committees 55:7 common 63:15,18 104:8 communication 186:14 communications 45:22 89:1 154:18 communities 180:9 180:17	community 122:6,9 compared 28:18 87:17 comparing 80:21 85:10,11 87:14 comparisons 65:22 compilation 37:15 compile 37:18 compiled 28:12 156:11 complaints 148:11,18 148:22 complete 150:6 159:23 160:7 completed 97:19,20 97:21 101:14 102:1 completely 6:17 62:7 computer 10:25 11:3 11:8 computers 11:21 113:23 concept 28:6 160:8 concepts 17:18 concern 34:20 90:5 129:16,21 130:7 138:12 145:6,8 concerned 91:20 152:8 concerns 84:24 88:9 88:14 89:1,2,14,15 89:16,16,18,20 90:17,21 100:9 106:13,14,18,21 109:7,7,9,13,14 129:10 130:24 131:5,12,16 134:16 138:18 139:16 140:20 141:17 148:24 187:12,16 187:18 conclusion 79:20 80:4,6 conclusions 82:3,4 conclusive 82:6,10
---	---	---	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

5

83:4 84:18 87:14,15 87:15 92:2 100:1 120:16 conclusively 67:7 97:19 conduct 22:5 67:3 80:24 conducted 23:6 29:15 99:24 100:4 111:18 175:23 conducting 13:9 confer 19:15 20:17 conference 1:20 103:4,5 106:8,22 123:1 192:20 conferral 20:2 conferrals 20:6 conferring 19:24 20:19 confidence 20:8,14 54:13 56:18 67:8 77:23 78:11,14 79:1 80:14 84:19 88:19 97:21 confident 79:16 confidential 2:12 55:21,23 56:9,14 57:2,8,12,19,22 93:22 102:17 105:25 conflict 47:9 conflicts 21:3 conjunction 124:11 consensus 89:25 90:1 90:7 conservation 8:6 consider 30:22 31:2 54:5 116:24 117:4 124:12 136:17 140:4 141:5 149:5,8 163:22 169:8,15 182:14 consideration 90:24 131:15	considerations 176:7 considered 53:18 131:19 140:13 162:13 169:5,13 176:1 187:19 considering 49:4 179:1 185:24 186:1 consistent 160:16 consistently 77:20 80:20 81:9,10 97:5 174:7 constituent 178:12 constituents 14:13,21 148:24 constitutional 160:10 161:25 165:20 181:3 constructive 169:20 consult 93:2 consultants 93:10 consulted 47:7 contact 14:25 15:1,2 15:5 27:25 28:3 92:13 133:3 contain 65:25 121:13 contained 61:18 84:22 157:22 158:5 176:10 178:6 content 32:6 56:7 75:16 81:25 151:2,3 153:13 156:23 contents 165:1 185:16 context 186:17 continue 8:22 57:11 81:2 91:13,15 119:11 139:14 160:2,3 162:10,23 continued 91:18 continuing 83:5 contract 132:16 convenience 57:5 conversation 68:25 81:9 84:14 92:17,22	106:22 170:15 173:10 conversations 20:1 20:25 47:2,4 53:13 53:17,20 82:25 90:25 101:5 151:7 173:12 cooperation 132:16 copy 32:7 129:5 135:10 CORPUS 1:2 192:2 correct 11:10,11 13:23,24 15:14 38:5 40:2 41:18 43:13,17 44:5 47:23 55:4,10 58:18,21 59:13,14 62:11 64:6 66:11,14 66:21 67:12 70:7,11 71:2 73:25 79:18 83:20 88:11 92:20 99:17,24 103:22 104:20 121:4 130:8 131:1,3 132:24 133:7 141:4,13 144:8 147:15 160:24 183:14,25 189:9 191:22 corrected 109:19 correctly 27:6 116:23 138:21 correlate 182:11 correlation 182:13 cost 138:23 Council 37:15,17 38:6 counsel 3:13 19:23 77:7 82:21,23,24 83:23 85:25 95:20 95:21 154:18 157:2 157:17 194:1 count 174:16 counted 14:17 26:4 105:13,18 174:17 174:18	counties 12:22 15:7 27:11,15,17,17,19 113:18 114:9,12 120:1,2 121:1 123:12 124:8,10,15 124:17,18,19 126:6 126:19,20 127:18 131:23 132:15,23 132:24 133:3,11,13 134:1,16 135:5,14 136:14,17,20,23 138:7,16,19 139:2,6 139:12,18,21 140:14,16,25 141:3 141:5,14,25 142:14 142:15,16,20 143:4 144:2,3,17,22,24 145:1 146:2,17,18 146:19 173:24 174:15,21 179:7 counting 179:10 county 1:14,14 27:25 60:18 114:10 116:6 119:20 120:16 122:10,11,12,16,19 122:20 124:13,22 124:25 125:1,5,12 126:23 127:3,7,10 127:14,21 129:9 130:13 131:18 132:4,20 133:9,10 133:12 135:10 136:24 139:16 140:14,17 142:21 142:25 143:1 144:22 152:18 172:23 175:1 179:9 192:14,14 county's 140:19 couple 125:22,24 126:14 course 10:25 11:2,3,8 coursework 10:23 court 1:1 55:25
---	--	---	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

6

107:22 108:25 150:16 192:1 cover 145:1 175:12 covered 144:22,24 create 47:9 creature 152:24 cross-reference 72:3 72:18 cross-references 73:1 CSR 2:18 194:9 current 182:20 currently 117:2 123:22 custodial 193:22 cycle 14:16 113:22 117:21 150:6 160:1 174:10 177:25	168:24 169:3 194:10 dated 43:12 dates 44:6 125:6 167:13 Davis 69:22 70:10,16 70:19 Davis's 71:11 day 27:24 28:3 33:4 43:16 44:4,5 59:19 68:5,20 105:2 146:13 152:4,19 165:19 193:17 day-to-day 90:3 125:19 133:18 days 27:4,13,16,19 54:6,22 125:23,24 128:13 146:13 de 34:15 35:25 39:3,6 39:9,16,21 45:20 49:17,19 deal 19:19 20:15 30:20,23 57:21 83:15 138:24 dealing 57:15 77:12 86:22 91:21,23,24 119:25 137:4,5 deals 56:9 debate 58:23 63:12 91:3 decide 119:21 128:4 decides 8:21 15:11 115:10 181:16 deciding 149:11 decision 16:12,25 49:12 52:2,16,18 53:5,7 54:15 63:2,3 63:4 126:25 147:13 deck 133:25 145:10 decline 54:12 declined 135:6,16,17 declining 135:15,24 136:23,24 decrease 144:3	deem 22:19 deemed 172:10 deems 172:9 Defendants 1:7,19,25 2:5 3:7 192:7,19,25 193:5 defer 22:10 26:5 30:7 42:21 85:20,22 111:22 definitive 81:11 deliberation 23:17 deliberations 23:17 deliberative 52:5 demographics 31:11 38:11,14,24 39:5 70:20 175:20 179:25 180:5 department 3:3 8:2 30:15,23 37:12 38:15 47:15 92:4 94:14,20 97:12 99:8 110:10,15,21 117:19 118:3 120:10 145:25 depend 64:23 depends 65:1,19 106:21 144:11 deploy 125:25 depo 56:8,16 deposed 6:24 7:1 deposition 2:8,14 6:20 7:2,5 32:2 34:4 50:7,17 56:6,13 58:7 69:8 75:5 102:15 105:23 118:11 128:24 137:11 143:18 150:21 156:21 164:24 185:15 191:21 193:7,14,16 193:24 depositions 56:4 deputy 3:9 7:20 8:7,8 8:10,21,24 189:15	derived 64:9 describe 10:17 159:16 187:2 DESCRIPTION 4:8 designate 53:23 55:22 designated 54:2 118:2 154:20 desire 33:3 desk 61:8 137:24 detail 30:20 47:19 61:23 details 47:23 183:6 determination 22:25 23:1 50:22 determinations 150:5 157:19 determine 22:21,23 31:13 37:6 66:21 81:4 99:4 108:10,21 108:24 109:3 119:25 120:2 124:5 126:6 162:3 171:1,4 171:11,13 182:16 183:11 determined 50:20 65:10 105:17 127:13 146:10 determining 25:17 28:19 37:3 114:12 deterred 186:19 develop 114:9 developed 148:5 development 8:3 18:12 32:11 46:15 46:17,20,23 114:5 difference 40:9 42:1 different 15:8 34:9 48:4,23 76:1 78:3 78:10,24 80:22 93:9 93:11 97:23 111:5 113:16 119:14 126:17,18 141:6 147:11 152:4 156:2
---	---	--	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

7

164:8 174:21,21 175:6,19 178:10 181:9,15,23,24 182:6,23 differently 166:16 difficult 90:23 139:15 difficulty 135:6 direct 19:9 46:17,17 81:2 directed 149:2 178:9 direction 73:19 74:7 directives 81:1 directly 12:16,19 13:1,8 19:19 29:13 55:13 77:12 83:15 83:21 86:1 93:17 154:6,7 189:9 director 8:5,8,8 11:18,25 12:4,6,15 12:18,20,24 13:7,11 14:6 16:6 17:10,24 19:20 22:10 24:7 30:7,14 47:18 59:6 59:9 63:22 78:22 145:24 189:12 directors 12:13 disabilities 177:18 178:3 disability 176:18,21 177:4,14,15 178:6 disclaimer 85:15 discontinue 148:1 discretion 119:8,10 148:1 160:24 discuss 30:13 81:25 82:3 91:9 92:10 146:5 discussed 6:19,23 36:18 77:16,17 79:3 82:4 86:16 92:8 93:6 97:7 104:15 107:4 166:4 discusses 42:9 47:18 discussing 86:17	discussion 42:6 75:14 106:8 124:4 173:15 186:7 discussions 7:4 27:11 176:9 disparate 108:11 disseminated 62:10 62:13 distribute 76:22 81:13,20 82:8 83:1 83:17 84:9 87:2 distributed 77:8,9 90:9 DISTRICT 1:1,1 192:1,1 division 1:2 3:4 11:18 12:13,21 14:7 15:3 15:3,6,10,22,24 16:1,2,3,4,4 19:10 29:17 30:8 47:8,16 52:14 60:16,16,25 64:3 65:13 67:3 76:5,5,6 78:19 83:13 90:12 111:23 133:22,23 134:20 192:2 divisions 14:9 document 40:19,20 46:7 50:17,18 51:7 51:23 53:13 55:21 56:21 57:19 58:7,25 59:18 60:7 70:22 75:9,11 80:8 84:22 88:23 91:8 93:22,25 102:17 105:25 129:2,13 137:18 143:19,21,22 144:10,13 152:3,12 153:25 156:8,23 157:3 167:22 173:8 173:11 174:12 documentation 109:23,25 152:9 documents 40:20	52:7 151:14,16 doing 8:3 20:9 23:1 30:19 57:4 79:4,6,8 79:8 81:22 84:4,5 85:14 90:2 93:11 110:14 114:18,22 117:3,8,20 125:19 125:20 131:20 140:22 141:13 142:2,6 150:3 151:20 153:22 162:11,11 163:1 165:14 169:3,6 170:8,12,14,15 172:17 178:2 186:1 188:6 DOJ 34:20 DPS 67:11 68:6 74:24 78:7,13 87:17 87:21 94:22 114:5,7 115:1 116:4,10,13 116:14 118:15 119:4,8,10 120:25 121:1,8 123:20 124:3,3,11 126:5,20 126:22,25 127:2,6,9 127:10,13,17,19 128:9,11 130:19,21 132:3,4,5,9,16,21 133:3,6,9,18 134:4 139:23 141:22 142:2,24 144:2,4,19 144:21,23,25 145:15 147:13,17 147:21,23,24,25 148:10,23,25,25 149:6,10 150:11 153:6 156:6,12,14 157:4,10 158:6,14 158:15,24 160:24 163:13,17,21 164:4 164:7,17 165:8,11 166:9,17 169:3,16 169:19,21 170:2	172:8 173:13,18 176:9,10,15 183:9 183:13,22,22 184:8 185:3,24 187:3,11 187:12,17,19,24 188:14 DPS's 116:18,18 145:14 165:9 DPS-compiled 156:11 DPS-operated 118:5 draft 43:1 76:19 drafted 37:25 drive 13:15 driven 89:13 driver's 25:21 64:4 64:13,20 65:14 66:1 66:5,10,18,21 67:1 67:1 68:1,9,10 69:23 72:4,18 73:2 79:23 81:5 89:10 94:11,21 97:8,25 99:3,5 111:14 122:1 122:1 172:23 184:13,14,19 drives 12:25 13:10 duly 2:15 6:2 193:12 Duncan 58:20 Duncan's 59:23 60:2 duties 113:16
E			
E 3:1,1 e-mail 4:15,17,18,22 4:23,25 5:1,2,3,4,5 5:6,8 59:8,11,15 82:13 94:24 95:2,22 102:19,22,22 104:15 106:5 135:1 135:2,4,17 137:2,20 144:8 145:19 151:7 151:10,13,18,24 152:2,15 153:13 154:22 186:8			

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

8

e-mails 137:23,23 152:20,24 154:24 157:13,15 158:12 earlier 32:19 36:18 55:6 61:10 62:5 120:8 147:12 152:23 early 43:22 44:8 174:7 175:25 176:8 easiest 49:23 52:10 easy 56:5 economic 8:3 economics 11:6 educate 117:21 138:15 164:14 educated 141:18 educating 113:18,19 116:6 163:25 164:1 172:5 education 1:12 11:4 18:9 73:24 74:2 106:9,15 113:17 118:1 122:6,9 141:2 151:16 157:24 164:5,9,10,19 174:22,23 175:4,5,8 176:6 178:6 192:12 educational 10:17 effect 108:21,24 109:3 110:5 effective 80:24 124:13 172:16 effectively 14:4 140:12 141:25 162:16 172:14 175:12 178:20 187:20 188:1 effort 37:23 38:10 74:10 117:20 119:22 122:25 124:17 130:14,18 136:12 140:24 141:2 144:3 146:23 147:5 152:25	163:17 164:14 170:25 171:4,19 188:6 efforts 106:9,15 116:25 171:9 EIC 5:7 114:1,13,16 114:24 115:10,22 115:25 116:11,25 117:11,15,17 119:4 119:7 126:19 129:11 131:7,16,23 134:2,5,13,17 135:10,11,17 141:6 141:11,20,25 145:15 146:5,14,15 146:23 147:5 149:6 149:7,14,18,21 150:1,8 151:17 152:6 153:1 156:10 157:5 158:5,20 159:13 160:23 161:2,9,11,16 162:12 163:7,9,23 168:17 169:6,13,17 169:22 170:3,20 171:5,6,20,21 173:21 174:8 175:20 176:2,6 182:14 185:3 186:17,20 187:4,7 187:17,20,21 188:1 188:2,16 EIC-related 150:1 EICs 116:4,5,14 117:5 132:17,24 133:10 136:25 137:5 142:17,20 143:5 145:17 147:20 153:1,17 155:13,25 157:23 163:3,15,16 165:12 167:17 168:15,23 169:1,10,10 171:2 171:14,18,22 172:3	172:6,22 174:2,20 175:1 183:10,12 185:5 187:11 188:4 188:6,10,11 either 24:6 28:5 77:11 103:19 118:16,24 135:6 157:8 164:18 election 8:25 9:1,6 14:16,18 17:18,20 17:25 18:1,6,25 21:4,4 26:11,19 27:4,9,12,16,18,24 27:25 28:3 47:9 55:4,8 59:2 65:8 104:9 105:3 111:21 112:5,9,13,16,23 113:6,19,21 117:22 124:2 132:10 134:20 139:24,25 142:11 150:6 154:5 157:18,18 159:4,21 160:1,7,9,9,10,19 161:19,23,25 162:1 162:15,16,24 165:20 174:9,10 177:24,25,25 178:1 178:20 181:10,11 181:22 election-related 14:11 17:17 18:2,12 18:21,22 19:15 21:10 22:2 23:17,20 54:21 183:3,13,25 184:1,3 elections 9:3,4,7,8,9 9:14 11:10,16,18,24 11:25 12:3,4,6,15 12:18,21,21,23,24 13:7,11 14:4,7,15 15:3,3,6,10 16:3,4,7 17:11,25 18:25 19:3 19:10,21 22:3,6,10 22:16 24:7 26:5	29:17 30:7,14 42:22 46:21 47:8,15,16,18 52:14 59:7,10 60:16 60:24 63:22 65:13 76:4,6 78:19 83:13 85:24 90:11 91:19 105:15 109:14 111:23 114:11 116:6,8 119:5,20 128:15 132:9,10 133:12,22,23 166:21,24,25 178:16 179:3 181:3 189:13 elections-related 15:2 20:20 electoral 9:13,20 Elfant 129:8 130:10 eligible 117:11,14 171:1,5,21 Ellis 107:9 108:12 emergency 53:24 54:2,16 employed 7:14,16,17 194:2 employee 189:5,7 employee's 140:19 employees 15:17 127:6,7,10 140:21 166:1 enacted 182:10 encourage 131:23 132:2 encouraged 130:17 enforce 25:17,23 enforcement 26:8 184:5,8,9,18,24 185:1 186:21 ensure 14:3 47:8 115:24 117:10,14 151:15 177:14 ensuring 117:5 enter 118:4 119:2 132:15,15
---	--	--	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

9

entered 119:1	34:6 69:10	expect 63:20 168:4	fall 48:24
entire 175:7,13	exchange 70:17 73:9	experience 10:23	familiar 28:6 29:4
entity 111:3	excited 119:23	17:14 18:8,10 86:21	31:18,23 153:14
environmental 8:5	141:15	131:6	165:11 182:18
equally 44:23	exclusively 12:12	expert 17:19 86:11	FAQ 50:18
equipment 126:1	excuse 114:5 115:14	experts 38:1 86:10,12	FAQs 4:14
134:11 138:22	120:4	86:21	far 74:12 75:23 90:13
errors 179:9	Exec 154:17	Expiration 194:10	111:15,15,16
establish 115:4	executed 104:20,23	explain 138:19	127:17 133:15
et 1:3,6,12,15,18,21	executive 15:24	explaining 42:1	162:17,20 186:11
1:24 2:1,4 191:2,2	95:18 155:6	explicitly 51:4	186:15
192:3,6,12,15,18,21	exemption 104:24	express 90:17 124:22	fast 40:17
192:24 193:1,4	176:18,21 177:4,15	expressed 16:23	Feb 4:18
ethic 108:10	178:6	106:14,18 107:5	February 79:10
ethnic 31:11	exercise 72:25 78:13	139:16 141:17	94:16,25 95:4,24,24
ethnicity 28:23,25	80:18 81:13 84:3,5	expresses 34:19	99:21,23
34:19 37:16,18 59:2	84:7,15 87:22 88:7	extensive 33:1	federal 2:21 138:17
59:24 61:25	88:11 89:12 90:8	extensively 23:12	162:16
evaluate 157:23	91:16 99:17 110:25	extent 142:5 186:13	feedback 14:12,12,13
162:14 164:9,18	111:1 121:8	extra 74:10 134:1,4	14:20,24 15:9
168:9 176:11	exercises 67:6 73:1	extremely 136:10	131:18 152:17
evaluating 162:12	77:18,19 78:4,5,7		feel 43:10 100:14
evening 43:19	78:25 80:11,15	F	140:18 158:11
event 122:25	81:21 88:12 89:13	FA 104:17	162:18,22
everybody 56:12	91:9,22,25 92:14	facilities 146:2,7,8,12	feeling 96:1
89:25 90:1,7 119:24	110:18 121:3	facility 135:7,25	feels 15:3
125:3	exhaustive 113:15	fact 6:23 28:22 66:13	felt 17:14 87:3
evidence 81:16,17,17	exhibit 31:25 32:2	89:19,21 149:5,8,9	119:24,24 124:20
85:3 87:15 101:18	34:2,4 35:9,12 46:5	173:13 177:3	124:23
101:18 148:20	46:7,8,12 50:7,8,17	180:23	field 86:11 128:16
149:23	55:18 58:7 69:5,8	factor 120:22 149:11	figure 65:3 89:17
evolving 158:9	75:3,5 93:20,23	149:13 181:20,23	92:25 120:24
exact 28:14 66:15	98:8,11 99:20	181:23	131:21 156:15
67:14 126:2 136:9	102:13,15 105:20	factors 181:9,12	figured 93:12
136:22 146:11	105:23 118:8,11	facts 24:24,24 25:7	file 99:3
165:19 168:24	128:21,24 134:21	81:17 112:15,21	final 16:12 107:1
exactly 49:8 61:2	134:23 137:7,12	113:5 148:20	126:25
77:25 78:2 88:23	143:16,18 150:14	149:22	financially 194:4
121:15 126:10	150:19,21 153:8	factual 54:4	find 40:16 48:17
173:1 178:16	156:19,21 157:13	Fagan 58:11,25 60:2	80:23 161:7
examination 4:4 6:5	157:13 158:7,7	fair 29:19 38:12,22	findings 159:21
193:18	161:6 164:22,24	55:16 70:19 86:18	fine 57:3 88:4 150:3
example 30:11	172:18 185:11,15	86:20 185:24 189:4	fingerprinting
excerpt 4:10,12,16,19	exhibits 4:7 137:8	189:6	170:19

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

10

fingerprints 170:3	85:2,16 97:14 98:3	full 150:6	62:16 81:19 113:14
finish 102:3 162:7	100:5,12 101:17,19	full-time 146:19	119:14 131:18
176:4	103:17 105:11	function 115:18	136:8,9 153:5
finished 92:16 97:20	108:14 115:15	117:17,18 123:20	157:17 159:23
188:20	123:17,25 129:12	126:5,21 132:4	181:4
firm 169:3 194:13	132:25 140:7	163:10,20,20 172:4	given 40:19 87:12
first 6:2 10:4 20:4	142:22 144:5,9	172:7,8 188:8	90:23 95:17,18
36:13 40:5 52:9	148:2,12,19 149:22	functions 183:13	100:23 113:16
54:5,22 76:14 94:5	154:9 160:25 161:4	FUND 1:12 192:12	140:11 141:12
102:21 104:16	168:12,18 177:6	funding 44:19	154:5 163:20 181:9
131:21 143:24	186:22	further 55:20 74:7	193:14
167:16 169:2	formal 14:23	190:13 194:1,4	gives 28:11 64:19
five 43:3 174:13,18	format 157:8,10	future 53:8 119:5	giving 77:21 103:24
fixes 18:24 19:1	former 59:6	123:16 176:5	129:14
floor 63:10	forms 25:21,25 48:23		go 13:13 20:23 21:14
fluke 160:15	48:24 49:9,25 53:1	G	25:7 30:20 41:1
focus 71:23	53:7 117:24 168:11	G 50:13,19,25 51:1	44:16 49:9 51:8,12
folks 76:23 77:10	forth 142:4	game 174:8 175:25	55:20 71:3 80:1
184:7	forward 71:5 109:8,9	176:8	82:22 99:13 108:15
follow 35:1 52:12	109:13 130:22	gathered 176:11	115:16 125:12
61:11 83:12 101:6	131:16	gathering 34:20	127:24 128:2
follow-up 70:16	forwarded 112:5	173:13 176:13	148:21 149:13
151:6	157:1,2,16 193:21	geared 13:8	154:2 157:15
followed 83:10	found 23:3 33:2	general 2:20 3:9,9,13	161:15 169:2 175:6
101:10	81:14 85:14 138:21	77:7 82:20,23,24	181:16 188:11,19
following 35:4 47:20	foundation 53:10	83:23 86:8 89:25	goes 8:3 29:5 52:6
56:3 193:11	54:24 64:10 66:22	90:1,7 95:20,21	67:18 68:20 71:24
follows 6:4 193:24	79:24 80:7 148:15	151:24,25 157:17	going 11:5 14:8 49:16
force 125:10	148:20 168:12	160:9 162:1,23	55:22 67:24 71:5,17
foregoing 191:20	four 128:13 174:13	180:17	74:11 79:11,15
forgive 108:2 174:19	174:18	generally 19:25	84:16 92:6 95:13,16
forgot 9:21 152:12	fourth 35:15 172:24	125:17 128:1	96:2 97:1 109:22
forgotten 10:2	frame 125:21	156:12 159:18	122:11,13 123:8
form 21:5,19 22:9	Fraser 31:19 47:7	163:8	126:18 138:23,24
23:8 24:9,16,23	fraud 4:20 96:6,12	gentleman 102:24	138:25 139:14,19
25:6 26:10,20 30:17	98:25 100:11	geographical 128:16	142:3 145:8 153:3
31:4 35:22 37:8	111:21 112:12	getting 15:9 43:25	153:10 159:2
39:1 49:2,11 51:6	frees 158:24	52:5 62:4 64:21	166:12 179:4
51:23 52:3,4 53:9	frequency 61:7	74:12 84:18 100:23	181:18 186:6,11,12
53:10 54:24 62:10	frequent 61:2 148:10	110:3 113:21	Gonzales 104:17
64:10 66:22 68:12	frequently 50:16	133:19 157:12	good 6:7,8 17:10,13
68:19 70:21 71:13	52:22 178:1	171:6,6,14,20,21	17:13 28:23,24 58:2
77:5 79:24 80:7	Friday 94:25	give 25:1 29:18 32:24	87:5 157:23 166:24
81:15 82:15 84:10	fulfill 172:13	60:10 61:13,14,24	gotten 36:10 152:22

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

11

Government 138:17 governmental 8:8 9:10 Governor 8:5,9,9 10:12,14 53:23 84:21 100:19,21,22 Governor's 45:25 53:21 92:9,13,17 114:15,19 graduated 10:20 Gramm 9:23 grasp 17:18 great 30:20 47:19 53:22 61:23 138:24 187:5 ground 117:8 group 178:12 groups 15:8 177:14 177:17 178:10,13 guess 20:16 22:19 76:9 79:9 89:17 100:2 119:1 129:14 156:14 160:22,22 161:14 162:8 181:11 184:6,7 guideline 115:5,8,12	happens 20:2,5 160:14 Harless 95:14 102:23 102:25 103:3,7 106:5 head 19:13 113:14 136:18 142:5 159:10 178:15 headquarters 184:23 heads 14:7 hear 103:11,13 109:22 149:1 188:24 189:22,25 heard 109:18 110:2 134:16,19 140:13 148:14,23 149:3,9 165:9 181:19,21 187:24 188:2 hearing 4:20 58:24 63:25 held 7:23 109:15 help 114:12 116:5 119:11,21 124:17 128:4,6,8,18 130:18 130:19 132:14 133:13 145:9 146:3 158:10 169:20 188:12 helped 119:25 127:10 130:13,16 helping 115:2,3 133:8 134:10 163:13,17 helps 120:24 hereto 2:23 hey 130:17 high 11:5 highly 2:12 55:21,22 56:9,13,18 57:2,12 57:19,22 93:22 102:17 105:25 hired 15:21,25 145:16 175:10 hiring 15:17 16:5	Hispanic 1:14 28:11 28:20,22 29:2,3 36:8,22 37:1,3,5,7 39:7 59:13 60:18,25 70:7 192:14 history 55:14 Hmm 8:2 17:12 hold 36:10 39:11,11 40:14 69:17 holder 7:10,12 142:7 holistic 174:8 hope 160:2 178:8 179:19 hopes 72:7 95:2 hoping 146:7,8 hotline 26:14,16,18 27:3 hotlines 27:12,16 hours 43:21 116:14 126:4,6,9,10,16 127:1,13 129:16 130:8 131:25 143:4 143:11 146:13 193:25 House 4:19 22:1,3 46:2 93:16 96:5,11 96:16,23 98:24 100:10 103:7 household 60:18 hundred 111:8 hundreds 137:23 hypothetical 33:24	idea 47:10 54:8 59:21 84:23 104:5 116:23 119:23 132:18,19 145:18 184:25 188:9,10,11 ideas 17:17 86:19 188:13 identification 4:20 31:25 34:2 35:9 38:12 46:5 48:21 50:8 55:18 69:5 75:3 93:20 96:6,12 98:8,24 100:11 102:13 105:20 117:23,24 118:8 128:21 134:21 137:7 143:16 150:14,19 156:19 164:22 184:11 185:11 identified 37:1 identify 38:14 101:13 112:19 identity 25:18 112:22 IDs 120:15 III 2:9,14 4:3 6:1,12 191:20,25 193:7,12 illegal 190:1 immigrant 190:5 immigrants 190:1 impact 24:14,21 25:4 25:10 70:13 107:10 107:13 108:10,11 181:9,24 impersonation 48:1,8 54:10 112:8 impersonations 47:14 implement 20:18,21 109:5,10 113:11 140:12 149:7 187:20 188:1 implementation 4:14 70:12 116:10
H		I	
half 130:4 handing 46:6 handle 83:14 handled 178:20 hands 133:25 145:10 happen 13:19 48:4 52:13 123:8,12 139:4,9 165:24 179:15 happened 48:5 68:5 85:5 89:3 101:24,25 102:9 139:12 158:3 159:1,22 165:21,25 169:24 179:17 happening 13:16 90:3 115:3 160:16		ID 25:21,25 31:20 38:15 49:2,25 52:3 53:2,7 54:5 68:1 74:12 79:23 80:16 81:5 94:11,21 97:9 98:1 105:3,8 109:22 110:1,3 112:24,25 113:2 120:19 152:7 168:11 178:23 179:11	

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

12

139:18 148:9 172:13 182:19 implemented 113:2 161:11 181:1 implementing 20:3 20:23 113:8 117:6 141:25 149:14 162:15,18 163:5 important 17:16 24:13,20 44:11,13 70:11 71:1 impression 86:25 improve 169:17 improved 169:14 in-person 47:13 48:1 48:8 54:10 111:20 112:8,12 inaccurate 90:8,10 inadequate 148:25 incentive 141:6 incidents 109:17,20 110:2 112:2,3 include 52:2 included 52:23 73:20 91:2 107:1 121:14 includes 48:15 50:23 90:11 inclusive 36:23 income 106:10,15 inconclusive 36:9,17 36:22 37:10 incorrect 177:25 increased 138:8 181:7 INDEX 4:1 indicate 112:15,21 113:6 164:13 indicator 28:23,24 indigent/religious 104:24 105:4 indirect 46:20 individual 15:21,23 15:24 17:15 38:2 105:8 126:6,23	127:3 129:4 140:19 individual's 121:22 individually 15:12,13 individuals 13:17,21 13:22 27:7 29:2 37:25 68:8,9 78:1 83:14 89:9 97:8 109:17 110:3 115:24 117:10,16 128:13,15 132:11 154:17 164:14 171:1,5,17 176:17 176:21 178:10,22 infancy 142:8 150:4 inform 59:22 116:2 117:16 information 16:11 24:12,14,21 25:2 30:3 31:11 32:25 33:6 34:20 36:8 43:11 44:16 45:6,12 59:3,23 61:18,25 62:10,12,14 64:19 64:22 65:17,21,23 66:4,7,17,20 67:25 71:8 72:23 77:22 78:9,23 79:18 82:8 83:2,4 84:22,25 85:5,14 87:1 89:20 89:21 90:18 92:5 100:23 110:23,25 111:3,7,11,13,18 112:12 121:13,14 121:18,21,24,25 134:9 139:23 140:1 141:23 151:13 152:1 155:1,14 156:10,11,13 157:14,16,20,22,24 158:1,2,5,9 164:3,7 164:11,17,20 165:12,13,15 173:3 173:13,16,18,20 174:20,25 175:3,19	176:10,14,16 informed 22:16 107:8,12 114:17,21 Ingram 7:5,6 16:6,6 16:14 17:9 47:17 60:20 130:13 131:14 140:2 152:23 154:8,20 159:5 182:25 initial 8:17 9:21 initially 8:16 119:21 119:22 122:24 127:6 130:16,23,23 170:2 initiative 22:6,14 initiatives 159:18 input 54:15 103:24 107:15 inquiries 153:17 155:18,21 157:5 158:2 164:8,12 inquiry 35:4 158:3 inspecting 166:24 inspectors 166:22 instance 2:15 37:14 74:8 112:4 156:7 instances 88:25 instigation 116:13 instructed 176:9 intended 42:12 intends 19:14 intent 50:21 71:4 73:14,17,20 74:14 interact 15:7 21:17 21:18 178:10 interacting 178:9 interaction 67:20 interactions 21:24 interacts 177:18 interest 16:19,23 18:6 40:3 interested 16:17 38:23 39:4 40:1 70:20 194:5	interim 145:24 182:22 internal 166:11 interpret 144:12 interpreted 144:16 interviewing 16:10 16:11 introduce 19:14 introduced 4:9 31:19 32:8 introduction 132:7 133:14 introductions 132:13 invitation 33:17 invited 33:15 involved 9:8,16,19,19 10:9 12:5 16:5 85:24 90:1,3,7,15 90:23 93:18 103:9 110:9 132:19 133:6 133:8 138:1,16,20 139:3 141:18 142:20 147:13 150:12,13 182:23 182:25 183:5 184:7 involvement 110:12 163:23 isolated 109:17,20 110:2 isolating 87:6 issuance 153:17 issuances 157:5 issue 54:22 55:24 70:11 71:1 78:6 87:11 91:19 116:14 132:17,24 133:10 136:25 137:25 138:2 149:3 151:5,7 157:23 163:19 168:23 178:12 184:10 185:17 issued 79:23 94:10,22 142:4 153:2,5 155:12,13,17,20,20
---	--	--	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

13

156:1 167:10,17 168:15 169:1 171:6 172:22 174:2,21 175:1 issues 10:24 14:17 15:2 19:7 20:12,15 22:17 27:18,24 33:24 92:19 110:3 111:24 128:9 140:17 144:25 149:10 159:6,6 177:19 178:3 181:14,15,24 184:5 184:11 issuing 117:17 142:17,20 143:4 183:10,12 187:11 items 169:22	192:14 July 5:6 jury 67:11,15,16,18 68:7 183:18,20 Justice 3:3 30:16 37:13 38:16 92:5 110:10 120:11	74:17,19 75:16 76:10,13 78:21 79:7 79:11,13,13,14 80:16 81:6,24 82:17 83:8 84:12 85:17,18 89:12,15 91:6,6,8 91:20,21 93:9 95:7 96:7 97:15 98:4,17 100:24 101:2 103:1 103:3 104:11 105:10,12,16,17 107:2 108:6,6,16,17 108:19 110:14,25 111:15,17 112:4,14 113:7,23 117:22 119:1,15,16,18 120:12,15,18,18,19 120:25 121:10 122:4 123:6,7 124:18 125:1,16,20 126:2,8,14,15 127:2 127:2,4 128:13 129:3 130:12,13 131:4,13,19 132:9,9 132:23 133:2,2,4,17 133:23 134:1,3,8,19 135:4,11,14 136:13 136:14,14,20,20,21 136:25 137:1,1,19 137:20,22 138:23 138:25 139:10 140:5,20,20,21 141:15,16 142:4,5,9 142:23,25 143:10 143:12,15 144:11 144:18 145:4,4,16 147:16,18 148:3,6 151:5,21 152:9,11 152:11,12,13 153:20 154:12,21 156:4,7 157:6,25 158:15 162:10 165:3,13,14 166:13 168:13 170:4,10,17	171:8,11,13 172:1 173:5 176:24 177:2 177:5,7,11,11,12 178:13,24,25 179:1 179:2,5,6,8 180:12 180:13,15 181:2,4 181:12,13 182:22 182:25 183:2,3,6 184:12,17,18,21 185:3,5,8,13,17 186:1,16,18,24,25 189:23 190:6,9 knowing 40:2 125:13 177:1 knowledge 20:5 23:11 37:4 67:3 83:6 100:17 130:11 142:16 178:7 180:4 180:14,17 189:1 knowledgeable 30:23 30:25 189:5 knows 132:11 137:24
J JA 34:10,10 39:14 40:18 41:4,5 Jackson 3:12 James 145:21,23 Jan 4:16 January 4:15 59:15 60:17 63:25 68:16 69:11 72:21 100:17 176:20 Jennifer 3:3 6:9 58:11 193:21 jennifer.maranzan... 3:6 job 9:21 10:4,5 11:19 12:3 90:4 169:6 jobs 113:24 John 3:8 76:20 77:6,6 77:7,12 82:12,13,17 82:18,24 john.scott@texasat... 3:11 jointly 188:9 Journal 4:12 Judges 1:14 135:10	K Karen 76:9 keep 14:8 96:18 102:2 104:5 147:19 153:1 162:11 163:4 keeping 114:17,21 Keith 154:20 kept 153:3,6 kind 57:16 76:1 120:23 133:2 142:8 142:9 144:11 165:23 166:19 173:24 knew 16:18 18:6 38:23 111:16 know 14:2,16,25 17:21,21,22 19:24 19:25 20:11,12 21:7 21:8,16,23 26:3,16 27:8,21 28:1,5,21 29:10,25 30:2,4,10 30:12 31:5,8,17 33:1,2 37:17,20,21 38:4,17,21 39:17 41:13 43:4 45:16 47:1,1,7,22,23 48:3 48:5,13,23 49:12 52:9,10,11,11,11,13 52:15,18 54:1,11,21 55:14 57:4 58:11,15 61:2,5,10,11,11,15 61:18,22 62:3,13,16 63:20 64:8 65:1,19 66:15,24 67:14 68:14 70:24,24 71:9 71:11,14 74:9,14,16	L lack 135:6,24 136:4 lacked 178:23 language 41:17,20 43:1 87:12,13 91:2 91:3 165:4 large 128:11 168:3 largely 160:24 largest 190:5 late 167:14,21 168:16 Latino 39:23 Laughter 107:25 law 17:18,21 19:2 70:12 100:18 184:5 184:8,9,18,23 185:1 186:21 laws 18:25 21:4 23:18 lawyer 42:20,21 lawyers 6:23 lead 95:4	

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

14

leadership 10:21	44:19	120:3,6,13 121:2,2	157:7,18 167:13,13
LEAGUE 1:11	length 92:12	121:5,7,11,13,14,19	169:2 171:10,20
192:11	let's 8:4 34:24 49:14	121:22 122:5,8	172:18,18 174:11
learn 60:20 77:14	50:4 75:8 118:19	124:5 136:16	175:14 181:22
84:20	138:15 144:24	174:15 183:16,17	182:2,3,7,7
led 17:10 150:11	160:2,2,3,4,8	listed 51:22	looked 28:21,22 39:3
164:17	letter 35:3,5,17,19,23	listen 169:17,19	51:4,9 65:6 119:14
left 122:16,19 185:2	35:24 37:21,22,23	litigation 88:18	119:16,16 120:25
legal 17:15 19:22	37:25 38:2 40:4	110:20	155:13 157:13
92:3 119:3	41:25 42:6 43:11,12	little 18:15 67:9	167:1
legally 190:4	44:6 45:19,23 50:13	74:10 120:9 128:17	looking 30:3 34:9
legislation 18:12,19	50:25 129:5,11	158:24 161:14	39:7 51:15,19 64:15
18:20 22:5,14 23:5	130:2,24 131:4,6,8	163:1	65:5,19 79:9 99:8
23:6 24:19 25:4,10	131:12	local 59:2 116:8	119:18 122:2 143:2
92:13	letting 110:13	119:20 123:13	146:4,10,17,18
legislative 37:15,17	level 12:5 20:10	132:15 184:7,24	150:4 153:4 155:14
38:6 50:21 53:24	145:5 159:7	location 122:14	155:20 156:5 163:3
54:2,16,23 55:15	Liberty 10:22	157:23	164:13 168:2 172:2
73:13,17,20 74:14	license 25:21 64:4,13	locations 114:14	182:22 183:7
76:22 77:10,12 79:4	64:20 65:15 66:2,5	119:12 120:1,2	185:12
83:14 91:3,19 107:5	66:10,18,21 67:2	123:2,11 124:5	looks 73:23 95:21
113:20 182:18	68:1,9,10 69:24	128:17 130:5,19	130:25 153:15
legislatively 162:9	72:4,19 73:2 79:23	146:19 147:18,22	186:2
legislator 19:14 40:1	81:5 89:10 94:11,21	147:23	loosing 120:9
45:11 101:16 104:1	97:9 98:1 99:3,5	long 20:9 33:23 34:1	Lord 167:15
112:11	122:1 172:23	35:20 57:3 75:10	lot 48:4 137:8
legislator's 45:5	184:13,14,19	91:18,22 148:24	low 106:10,15
101:15 102:4	licenses 111:14 122:1	149:10 184:16,22	
legislators 14:21	Lieutenant 45:25	long-term 120:25	M
20:16 21:2 33:9	84:21 100:19,21,22	look 34:8,14,22 35:14	ma'am 6:15,18,25
44:12 47:5 53:18	114:19	36:1 40:5,12 41:6,9	7:3,6,8,13,15,25 9:5
68:17 79:17 104:9,9	life 56:5	41:14,15 48:17	9:15,17 10:16,19
legislature 14:13	likewise 120:25	49:14,15,24 50:4	11:2 15:11,19 16:8
18:23 19:4,7 20:15	limited 66:20 163:23	51:12,20 65:21 70:4	19:11 20:7 21:25
23:7 24:20 38:5,23	163:25	71:20 73:4 75:7,13	23:12,19 26:5 27:10
44:21 46:25 54:5	line 39:19 41:7,8	76:14 89:8 93:24	28:5,8 29:7,25
63:16 79:12 83:15	69:21,25 71:21	94:4 98:16,23 99:20	32:10,13 33:20
84:24 85:6 86:22	98:15 135:9 139:1	102:21 104:14	37:20 38:17 39:18
90:4 91:22,25 92:15	144:1 191:3	106:1 118:18,20	43:14,18 45:16 46:1
108:8,17 109:5,6,7	lines 148:24 149:10	120:21 127:25	46:3,19 47:3,6,10
109:10 149:17	list 28:17,18 29:4,5,5	129:7 137:2,12	47:24 52:17 53:11
159:19 160:20,21	61:10 62:2 64:12	143:24 150:25	53:19 54:3,17 55:14
161:15 162:8 172:9	65:13 67:1 73:2,2	152:2 153:7,13	58:8,10,12,22 59:17
Legislature's 23:16	113:15 119:17	155:11,18 156:2	60:19 62:15 63:14

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

15

67:19 68:4 69:2 70:18 71:9,16 72:11 73:22 74:16 75:10 75:24 76:12 77:25 78:2 79:6,19 81:24 83:3,25 87:23 89:3 90:16 91:17 93:8,17 94:3 95:7 96:3,7 97:4,10 100:6 102:2 102:12,20 103:2,21 104:7 105:19 107:2 107:14 110:6 111:19 118:12 121:15,20 127:15 129:6,20 132:18 134:15 143:6 145:18 147:3 148:8 148:13 149:19 151:1,8 153:9,22 165:3 167:19 168:24 170:4 174:19 175:24 176:19 178:15 184:16 186:18 machine 2:19 mail 179:23 180:1,6 180:11 main 12:3 maintaining 165:12 major 11:6 109:9,13 109:14 120:23 122:25 142:11 159:25 160:6,9 161:19 162:1,16 majority 44:24 making 12:3 14:13 14:18 107:18 113:10,18 116:16 171:19 man 133:24 manager 86:12 162:3 manned 27:7 manner 56:11 80:25 141:1	map 156:5,6,6 Maranzano 3:3 4:4 6:6,9,22 21:7,21 22:12 23:10 24:11 24:17 25:3,9,16 26:13,23 30:22 31:6 32:1 34:3 35:8,11 37:11 39:2 45:10,18 46:6 50:6,10 51:9 52:1,15 53:12 54:9 55:3,17,19 56:1,15 56:17,21,24 57:3,7 57:10,14,20,24 58:2 58:4 60:12,15 64:12 66:25 68:15,22 69:4 69:7,20,21 70:23 71:14 74:22 75:4 77:9 80:3,10 81:20 82:19 84:13 85:7,18 88:2,6 93:21,24 97:16 98:7,10,20,22 99:15 100:9,16 101:23 102:4,10,14 102:16,18 103:19 105:12,22,24 106:1 107:22 108:3,20 109:2 115:20 118:10 123:21 124:1 128:20,23 129:15 133:5 134:22 137:9,17 140:9 143:3,17 144:15 148:6,14,17 148:23 149:25 150:15,20 154:10 156:20 161:1,5 164:23 168:14,20 176:5 177:9 185:10 185:14 186:25 188:19,22 190:13 193:22,25 MARC 1:3 192:3 March 4:11,12,20 32:18 33:5 34:7	38:12,22 43:12,15 96:6 97:11,17,24 98:4,5,6,25 99:11 mark 35:8 55:17 56:17 69:4 98:7 128:20 185:10 marked 4:8 31:25 32:2 34:2,4 35:9,12 46:5,7 50:8,17 55:18 58:6 69:5,8 75:3,5 93:20,23 98:8,11 102:13,15 105:20,23 118:8,11 128:21,24 134:21 134:23 137:7,11 143:16,18 150:14 150:19 153:8 156:19,21 164:22 164:24 185:11,15 market 116:4 163:18 175:11,11 marketing 115:18 116:1,1 163:19 175:13 marking 50:6 150:21 master's 10:21 match 67:16,21 68:6 74:23 75:1,20 76:11 77:21 78:8 80:24 87:20,24 90:23 96:2 99:3,25 100:4 105:14 120:18,19 121:17 matched 78:23 88:1 matches 36:25 83:2 84:5 121:11,17 matching 67:5 74:6 76:2 77:18,19 78:6 78:12,25,25 80:14 80:18 81:13,21,25 83:17 84:7,14 85:15 87:8 88:7,10,12 89:2,8 90:8 91:9,16 91:21,24 92:9,14,18	97:17 99:16 100:19 110:18 121:3,8 matter 6:10 86:8 McGeehan 7:7 59:1 59:5,6,8,9,12,22 62:19 63:6,20,22 64:1 67:4,24 68:16 68:23 69:22 70:3,6 72:3,6 73:10 74:6 76:8,9,18 77:15 82:7 83:16 84:6,14 90:17 94:9 95:4 96:4 98:16 99:13 100:3,10 189:5 McGeehan's 70:4 98:23 mean 6:21 9:2,7,7,12 11:20 12:1 14:22 15:13 19:1 20:8 23:9 24:18 25:14,21 26:21 29:16 38:18 45:9,17 48:16 49:7 52:9,20 55:1 57:16 60:23,23 61:17 62:16 63:9 64:23,25 65:2,4 68:20 70:24 77:17 78:3 80:11 81:1 82:9 85:8,20 87:15 88:15 89:23 95:11 100:14 102:8 104:12 109:13 111:9,9,11 112:10 115:8 117:12 120:9 122:2,7 126:13,13 129:23 130:21 135:24 136:4 139:8 140:8,9,17,20 141:9 141:14 142:24 144:7,7 147:5 149:1 150:3 153:23 154:25 155:8 157:6 159:16 160:23 161:1 163:1 164:6 165:24 168:8 171:3
---	--	---	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

16

172:1 177:9,20 179:1,2,24 183:15 183:16 184:4,5,6,6 187:14 188:3 190:3 Meaning 86:7 means 42:20 144:13 meant 77:3,3 119:18 136:2 measure 14:10 163:4 mechanism 27:21 mechanisms 34:19 media 109:18 149:1,4 meet 14:6 20:8 meeting 78:20 145:21 145:23 165:21 166:4,10 173:17 members 44:2,24 46:2 104:10 127:8 128:2 133:18,20 139:10 145:11 154:5,6 166:21,24 memorandum 4:24 118:5,14 memorialize 88:13 memorialized 52:18 52:20 memory 61:21 170:24 185:13 Mendoza 82:18 message 76:18,19 met 165:18 method 25:17 31:3 31:13 62:9 metropolitan 120:23 middle 39:19 military 12:25 mine 91:13 167:8 minister 7:22 minor 160:3 minorities 108:11 minority 44:25 106:10,15 108:22 minute 40:14,19 50:24 129:25	142:14 minutes 88:3 188:20 193:25 mischaracterizes 51:7 81:16 85:3 101:18 123:18 168:19 misled 100:10,15 misstates 81:16 101:18 149:23 mixture 76:4 mobile 116:11 118:6 119:4,7,12 122:6,13 122:23 123:5,15,21 123:22 124:2,5,8,9 124:14,24 126:4,8 127:1,4 128:10 129:11,16 131:7,16 131:24,24 133:6 135:17 136:24 137:3,5 142:19 144:20 146:23 147:2,4,8,10 155:24 157:15,24 163:6,12 163:18,18,24,25 164:19 169:10 172:22 173:4,14,16 173:21,24 174:3,5,8 176:6 185:22 188:4 188:7,10,11 mode 151:21 moment 49:15 106:2 Monday 95:3,6 103:11,14 monetary 11:20,21 monitor 23:16 102:10 139:17 monitored 139:20,23 monitoring 141:20 141:21,22 month 61:1,8 monthly 60:17 moral 63:24 morning 6:7,8 43:21	43:22 44:8 103:11 103:14 motivate 44:20 motivated 187:6 motivates 44:21 motivation 187:8,9 move 130:22 moving 162:25 multiple 27:7 <hr/> N <hr/> N 3:1 N.W 3:5 NAACP 1:21 192:21 name 6:9,11,12 21:21 80:15 137:15 170:1 NAMED 3:7 names 28:11 NANDITA 1:24 192:24 naturalization 42:10 42:12 43:7 48:15 49:2 50:23 51:3,10 51:22 52:2,23 53:6 nature 65:2 necessarily 30:20 63:18 83:21 147:13 154:4 185:8 necessary 151:14,16 152:16 necessitated 54:4 need 11:19 15:4 19:8 22:19 32:25 33:6 38:13 44:3 56:12 113:24 120:24 124:13 143:22 145:12 150:6 158:17 160:3,6 161:6 162:9 168:8 needed 22:21 23:3 31:10 42:23 54:22 84:8 132:14 143:1 145:1 150:6 155:4,9 158:13 159:11	168:5 needs 20:11 56:7,25 65:6 74:7 158:16 neither 194:1 nervous 138:7 net 117:20 never 67:7 78:10 86:16 97:19 127:18 145:6 148:14,23 nevertheless 25:25 new 8:20 74:11 113:20 116:8 131:20 159:18 news 188:24 NGR 1:5,11 192:5,11 no-match 120:3,5 121:2 122:5,8 124:5 nods 19:13 non-DPS 158:23 non-matches 119:17 119:19 noncitizen 188:23 189:21 noncitizens 189:19 nonrequirement 66:16 note 55:20 56:18 57:11 noted 191:22 notice 124:8,13,23 125:17 129:22,23 129:24 notification 47:13 November 111:21 112:9,13,13,16,23 112:24 113:1 124:2 142:12 150:7,9 161:20,22 162:6,14 Nuh-uh 77:2 number 1:5,10,22 2:3 26:17,24,25 27:5 28:19 34:4,10 36:21 40:16 64:4,5,13,14 64:20,20 65:14,15
--	---	---	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

17

65:15 66:6,11,11,18 66:19 67:2,25 68:8 68:9,10 69:19,23 78:10,10 89:9,10 97:8 104:13 111:13 120:8,17,20 121:16 136:9,22 142:4 144:3 145:1 153:5 167:24 168:15 172:22 174:2 176:17,22 177:1,8 177:12 181:5,8,13 192:5,10,22 193:3 numbered 2:16 numbers 34:9 46:8 66:6,14 75:24 80:14 80:18,19 88:16,19 90:22 91:4 94:10 173:23 182:2,3,7 NWB 3:4	140:7 142:22 144:5 144:9 148:2,12,19 149:22 154:9 160:25 161:4 168:12,18 177:6 186:22 objections 105:4 objective 144:23 obligation 115:21 obtain 38:10 115:25 117:11 171:2 occasion 101:13 occasionally 139:4,7 occur 162:9 occurred 54:10,13 95:3 160:4 170:17 occurrence 104:8 occurring 99:11 156:3 182:19 Oct 4:25 October 67:12 offer 119:4 146:14 offered 107:9 108:12 offhand 29:25 office 2:19 3:13 7:6 7:18 8:4,9 9:14,15 11:22 13:14,15,22 14:5 15:2,16,22 18:17,18 19:16,23 20:17 21:2,10 22:2 22:4 23:6 24:6 26:23 27:18 28:3,10 28:21 29:11,14,22 31:3,8,9,10 33:13 35:22,23 37:24 42:17 43:8 44:19 45:25 47:12 53:3,21 55:2,10 62:9 64:18 67:11 68:20 70:16 72:18 73:19 74:25 78:20 80:13 81:23 83:15 84:25 85:25 88:17 91:4 92:9,14 92:14,18 93:10	95:18 96:1 101:1,9 101:14 103:15,23 104:3 106:14 111:2 112:12 113:12 114:1,15,19,24 115:6,18 116:21 117:10,18 118:4 119:4 122:23 123:5 124:7 127:8,13 133:1,5,8 134:12 137:5 140:13 141:21 147:22 149:16 163:10 166:17 167:4 169:23 170:11,16 170:25 172:4,8,10 172:13 175:22 177:16,17,18,24 178:14,21 179:21 180:24 186:10 187:3,10 office's 117:13 officer 11:10 193:13 offices 121:1 126:20 132:21 133:9 142:21 147:17 148:7 172:23,23 184:13,14,19 official 27:25 55:4 officials 59:2 116:6,6 124:22 oh 46:9,13 118:18 125:9 133:24 167:15 okay 9:16,18,25 10:3 11:9 12:8 13:25 15:9,13,15 16:5 17:4,8 18:11 21:9 23:14,16 26:7 28:17 29:12 30:13 31:18 31:24 32:3 33:18 34:13,24 35:10,13 35:16 36:11,15 38:9 39:15,20 41:5,8,9	41:12,16,23,24 42:4 42:5,22 43:4,12 46:13 48:10 49:1,20 49:22 50:3,4,5,9,10 51:1,2,19 52:15,25 53:16 55:16,19 57:14,24 58:2 60:4 60:6,8,14 61:4,6,9 63:1,11 65:12 66:9 67:22 69:9,13,15,17 70:2,5,9,14 71:11 71:19,22 72:1,13,20 73:8,11,16 74:22 75:6,8,8 77:24 78:12 88:6,25 89:5 90:11 92:21,24 93:19,21 94:8,12 96:4,8,20,22,22 98:10,12,18,21 99:22,22 101:3 102:25 104:6,14,16 104:18,18,25 105:6 105:17,21,21,22 106:3,4,25 107:3,22 110:2,7 111:4,4 112:11 113:8 115:23 118:3,9,21 118:23 120:14 122:3,22 123:15 127:4,16 129:18 131:2,10 132:23 133:15,20 134:22 137:1,6,10,16,17 138:3 139:25 141:1 141:3,19,24 142:8 142:13 143:3,7,10 143:23,24 144:23 144:23 146:20 147:12 149:25 150:16,20 151:6 153:7,12 154:23 155:22 156:18 157:12 159:8,12 160:22 161:1,18
--	--	---	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

18

162:5,19,25 163:9 163:14 164:3 165:6 165:11 167:3,7 170:6 173:2,2 175:21 177:13,23 179:6 180:24 182:14 183:9 185:14 186:2,7,13 189:4,12,25 190:12 omission 29:4,8 once 15:22 32:14,15 109:24 138:21 139:2 141:17 160:7 160:18 one's 104:16 ones 23:1 48:9 147:11 ongoing 94:23 97:19 116:4 Ooh 126:10 open 51:14 143:13 147:17,19 148:7 opened 147:14 operandi 151:21 operate 116:8 126:8 131:24 166:12 operated 126:9,15 operating 162:22 operation 123:22,23 126:4 129:16 131:24 operations 11:22,23 143:4 opinion 107:5 129:14 162:3 opportunity 115:19 168:7 option 86:15 options 117:4 oral 2:14 193:13 oranges 77:21 80:21 85:11 87:12,14 92:7 order 124:13 153:11 original 35:22 193:21	ORTIZ 2:1 193:1 ourself 127:18 outcome 194:5 outlined 86:14 outreach 12:25 118:1 130:5 176:6,6 177:13 outside 28:15 65:22 67:6 92:14 93:3,10 100:25 126:9 131:24 143:10 175:10 overall 14:14 90:5 163:9 169:11 overburdened 138:9 139:17 140:5,10,15 overly 26:10 oversaw 76:2 oversee 11:25 overseeing 9:8 12:5 oversees 13:1 <hr/> P <hr/> P 3:1,1 p.m 2:17 150:18,18 188:21 P.O 3:10 packaged 165:5 page 4:8 34:8,14 35:15 36:1 39:9,19 40:5,16,18 41:2,3 48:18 49:16,17,17 49:18 50:11,11,13 69:14 70:8,12 71:6 71:18,25 73:4,18,25 75:13,17 76:14 79:21 80:4 94:5 98:13,19 118:20,21 138:4 153:14 167:16 172:19,21 174:11,14 175:15 191:3 pages 175:14,16 papers 40:10 41:21	41:23 42:2,6 123:13 paperwork 15:24 paragraph 36:14 37:12 42:5 94:4 106:7 138:4 143:24 146:20 part 36:13 43:9 51:4 55:22 73:14 80:18 110:19,20 116:16 116:18 117:13 participants 143:21 participate 130:17,18 132:3 135:17 141:6 141:11 participated 9:12 participating 135:19 141:16 142:15 particular 27:3 54:12 62:2 65:10 78:6,13 86:13 87:6 107:11 135:18 144:12 145:25 146:17 151:18 159:3,21 162:1 173:8 176:8 177:12,16,20,22,24 178:18 188:6 particulars 161:2 parties 194:2 partner 133:9 partnerships 114:9 parts 113:11,13 119:15 170:20 party 44:24,25 118:24 193:23 pass 155:9 passage 47:25 passed 20:22 48:11 108:8 109:5,11 113:15 155:4 passes 108:17 passing 47:21 passion 17:16 passport 42:7,7 pattern 160:16	peek 137:15 pending 24:15,19 110:20 Pennsylvania 3:5 people 14:2,25 15:1 16:16,17 19:10 43:24 61:24 63:16 74:9 78:3,4 83:13 86:1,6 104:23 109:22 111:13 117:5,21 120:15,17 123:7 125:18 128:1 138:1 139:1 145:9 147:20 163:25 164:1 171:8,12,14 171:21 172:5 177:3 179:25 180:5 181:17 189:25 percent 111:8 141:15 periodically 14:6 permission 57:1 Perry 1:6 8:10 191:2 192:6 person 19:15 31:14 33:14 66:24 67:19 137:20 152:3,6,8,11 152:12,17,18 180:9 181:16 personal 23:10 42:14 42:15,16 94:11,21 121:11 189:1 personally 26:21 27:20 30:12 37:20 100:22 101:6 131:13 134:19 139:21 165:10 173:5 179:5,12 180:7 181:25 personnel 11:22 126:22 146:21 147:1 perspective 9:10,11 Pflugerville 184:25 Phil 8:16 9:23
---	---	---	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

19

photo 74:12 178:23	90:22	159:24	152:22 154:19
phrase 147:4	poll 10:15	preparation 6:21	167:6 168:15
physical 113:24	polling 105:2	33:2	173:25 180:7 183:4
picked 147:7	polls 25:18 181:16	prepare 14:18 32:22	problem 27:4
picture 160:11	pool 68:7	130:5	problems 26:7 27:23
161:23	population 119:16	prepared 35:5,24	28:3 109:19 110:4
piece 24:19 65:21	135:7,25 136:4,11	60:17,25 61:3,5,10	111:20
pieces 155:14	190:1,6	61:11,16,17	procedure 2:21 115:5
pile 60:11,13	populations 107:11	present 86:19 159:21	115:8,12 159:1
pinpoint 87:7	136:7,15,19,21	160:20 184:12,19	procedures 47:21
place 14:14 15:7	179:22,24	presented 84:6 86:15	61:12 166:9,11,13
27:20 105:2 112:18	portion 56:8	preside 58:23	proceeding 69:12
112:22 128:3	position 7:19 8:12,13	press 122:12,19,21	194:3
139:20 173:25	16:14,17 33:19	122:25,25,25 123:2	proceedings 62:20
placed 6:14	42:11,14,15,15,16	123:6,6,7 181:21	process 9:13,20
places 114:13 126:18	42:16,17 48:14	presume 40:3 63:4	14:14,24 15:6 19:18
130:20	54:21 71:12 74:17	66:8 76:12 77:6	29:10 52:5 55:15
placing 57:16	91:12	91:17 131:8	56:10 67:18 75:12
Plaintiff 1:4,9 2:15	positions 7:21,23 8:1	pretty 155:16 162:18	76:2 79:15 85:24
192:4,9	positive 169:20	previous 56:3 123:18	87:5,7 88:19 92:6,9
Plaintiff-Intervenors	possessed 17:9	previously 46:11	92:12 93:3 94:23
1:13,16 192:13,16	possible 24:21 28:2	80:11 82:20 85:4	97:17,18,19 138:20
Plaintiffs 1:22 2:2	56:5 67:16 85:13	121:3 146:25	158:9,18 166:22,25
192:22 193:2	119:23 145:10	153:10 158:8	171:6,20
plan 150:8 176:5	possibly 30:25 32:25	primaries 160:9	processes 92:3
planning 9:7 123:15	47:24 89:3,6 166:25	161:24	produced 2:14
149:6 175:4	post-Voter 112:25	primarily 7:17 11:24	product 97:5
plans 73:24,24 74:2,2	potential 33:7 38:13	12:1 19:12,20,22	professional 20:13
124:1 150:1	119:17,19 120:1,2,3	184:8	program 114:2,6,16
please 6:11 64:17	120:5 121:16	primary 132:6	114:25 115:1,2,4,10
69:4 108:1	160:19	printed 167:9	117:1 119:7 131:17
plethora 181:15	potentially 32:25	prior 8:24 10:1,1	131:20 132:3 134:2
Plus 25:12	33:6,24 96:25	17:24 26:8 32:22	134:5,13,18 135:12
point 19:17 55:19	111:13 120:21	47:25 63:25 68:17	141:6 142:1 145:15
82:10 97:20 98:2	133:12 146:3 166:1	68:23 72:21 79:25	147:16 148:1,5
99:15 135:16,18	166:23 184:2,6	80:8 105:12 148:9	149:6,14,18,21,24
158:18 159:10,13	PR 122:6,15	162:14	150:8 153:1,4
159:20,22,24 162:1	practice 63:15,18	privilege 52:6	155:12 158:5,10,21
172:11 175:25	170:12	probably 10:25 14:1	159:4,5,14 160:23
176:8,12 178:18	pre-Voter 112:24	19:17 26:2 33:4	161:2,11,16 162:12
182:13 183:8	preclearance 30:6,14	35:21 49:23 76:5	162:16,21 163:8,9
188:17	88:21 110:11,13,19	82:23 92:10,10,15	163:23 164:9,10,19
policy 8:6 9:1 18:1,7	predates 130:24	125:24 129:3,6	166:3 168:17 169:6
political 44:24,25	premature 142:9	133:13 143:8 147:7	169:11,13,17,22

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

20

170:21 172:3 173:4 173:14,21 174:6,9 175:4,5,8 176:11 182:14 187:4,7,17 187:20,21 188:1,2 188:16 programs 12:19 13:1 13:7 14:4,11 133:9 project 72:3 150:4 prompt 155:8,9 proper 109:23,25 proposed 22:5,13 23:6 provide 15:11 24:12 24:12 54:15 59:23 62:2,18 67:7 88:16 101:15 102:5 107:13 110:23 111:7,12 124:7 125:18 126:22 130:20,20,21 165:15 188:4 provided 28:10,15 29:22 31:7,8 79:2 100:19 105:8 120:7 120:10,12 129:24 131:8 134:9 143:2 153:25 157:20 158:1,2 165:13,17 168:6 173:18 provides 28:14 62:1 183:20 providing 16:11 88:20 157:24 183:15,24 provisional 26:4 104:20 105:13 179:10 provisionally 26:2 105:5 178:23 provisions 2:22 106:25 proxy 28:19 public 24:14,21 25:5	25:11 117:19 118:3 publicities 123:4 publicity 122:18,22 124:14 151:15 publicize 124:24 130:19 publicized 123:14 151:22 152:1 purpose 61:22 176:13 pursuant 2:21 108:11 put 13:12 43:10 53:13,14 56:6 60:12 61:8 74:14 122:12 122:20 123:8 154:21 puts 56:12 Putte 34:15 35:25 39:3,6,9,16,21 45:20 putting 13:14 20:24 Q qualifications 17:8,9 qualify 104:12 189:23 quantify 104:12 query 65:10 question 13:4 36:4 39:3 40:5 42:1,11 43:1 45:2,5,12 64:16,16 65:2,4,9 69:22 75:14 80:2,17 97:25 98:15 100:8 101:20 102:3 108:4 111:4 112:20 168:25 169:12 171:15,16,18,19 172:2 185:2 189:18 questions 26:17 33:1 33:7,21 34:16 35:25 44:1,3,12,14 46:24 52:22 60:6 70:23 71:10 79:11,13	104:1,3,11 149:2 155:25 190:14 quick 17:22,23 107:20 quite 19:3 20:25 30:18 46:24 47:24 62:17 64:17 91:11 135:3,13 150:10 151:4 158:11 168:8 183:4 R R 3:1 race 34:19 37:16,18 121:22 175:23 racial 31:11 36:5 38:14 108:10 121:24,25 176:1 raised 90:21 131:12 138:12 raises 129:15,21 130:7 raising 129:10 ramifications 90:22 rare 15:12 rates 29:9 react 176:23 reaction 79:20 80:6 167:24 168:1,2,5 176:22,25 177:3 read 7:9 34:24 37:14 71:3 74:4 137:2 143:22 144:16 155:2 191:20 Reading 118:23 131:9 143:22 ready 41:13 98:17 113:21 realizing 87:18 really 13:3 17:18 19:17 23:12 24:18 74:3 84:3 91:17 104:21 115:13 119:10,17 123:12	138:16 152:6 172:1 reappointed 8:19 reason 6:16 83:12 105:7 110:22 111:6 137:4 191:3 reasons 87:17,21 140:17 recall 11:6,7 16:15,21 17:24 18:3,8,10 27:14 32:17 34:25 35:3,5 38:8 45:11 45:17,18,21,24 46:1 46:4 53:19 59:25 62:19 68:3,24,25 69:2,3 70:18 72:15 72:17,17 75:18 78:5 78:19 79:8 80:8 81:8,8,22 82:2,5,25 83:3,3,4,16,24 84:13,16,18 85:4,9 86:14,17 88:15,23 90:20,25 91:12 92:8 92:21 93:4,14,15 94:3 95:25,25 96:3 96:4,8 97:6 100:23 101:2,8,11,22,23,25 102:8 103:5,9 111:1 111:2 116:23 121:18,20,21 123:1 125:4 126:12 127:24 128:2,3 135:2 138:12,21 146:16 149:15 151:8,11,20,23 154:23 159:10 160:5 168:16,22 170:2,5,9,20 173:10 recalling 169:25 receive 47:12,16 129:5 received 112:5 134:1 134:4,8,12 139:25 152:18 154:24 158:6 164:4,17,20
---	---	---	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

21

176:18,21 177:3 receiving 151:4 Recess 88:5 150:18 188:21 recognize 32:4,5 35:19,21 46:7 50:16 50:18 58:7 118:13 129:1,2 134:25 135:1 137:13,17,19 137:22 138:1,2 143:19,21 151:2,3 156:20,23,25,25 185:15 recognizing 32:6 recollection 76:25 90:6 152:21 167:21 recommendation 15:25 recommended 158:20 record 2:22 6:11 55:20 56:19 57:11 69:18 93:21 96:18 100:12 102:16 105:24 188:19 193:14 redistricting 30:11 37:16,19 reduce 144:20 refer 121:10 161:6 163:15 reference 146:21 referenced 110:16 references 70:7 referencing 72:2 74:3 referred 55:12 82:12 82:13 93:15 referring 9:5 31:20 61:9 88:21 109:15 154:15 162:19 163:6,7,12 184:2 190:2 refers 138:9 refocus 164:4	refresh 61:21 76:25 185:12 refreshing 170:23 regard 11:16,24 12:3 53:1 78:12 114:24 116:25 123:5 142:14 177:21 regarding 118:5 region 156:17 regions 156:2,5,12,16 registered 28:18,19 31:12 36:5,21 38:14 38:24 39:5,23 70:20 81:5 99:4 177:1 registration 12:25 13:9,15 25:19,24 64:5,21 65:16,24 66:5,10,19 67:2 68:11 69:24 72:4,19 73:2 74:24 87:16,20 89:10 194:13 regular 126:9 131:25 143:11 regularly 26:25 29:20 153:18 regulation 52:19,21 115:11 regulations 21:4 regulatory 53:1,4 115:13,17 163:19 172:14 related 9:3 12:19 18:25 22:5 67:4 78:5 106:23 111:1 135:11 137:3 155:24 175:23 187:3 194:2 relates 18:19 178:11 relating 155:24 relationship 13:17,21 14:1 90:19 187:2 relationships 114:10 123:13 132:14 release 85:13 96:2	97:2 122:19 released 91:4 95:5 98:2 releases 122:13,21 123:6,7 releasing 90:18,22 reliable 89:8 111:3 rely 86:23 87:4 remains 57:22 remedied 109:24 remember 11:1 27:6 28:14 33:16,23 35:21 43:3,18 44:8 48:9 53:25 62:22 63:13 64:7 65:20 67:5 68:4,5 72:11 75:11,12,24,25 77:18,19,25 78:2,16 79:6,19 80:19,20,20 81:9 82:9 84:2,2,3,4 89:4 90:13,16 93:8 97:4,4 99:18 101:4 107:12 111:19,23 111:25 112:1,3,10 117:7 121:15,16 125:1 126:10 143:9 143:20 146:11 151:3,4 164:12 165:19 168:24 170:4,8,13,14,18,18 185:6,9,17,21 186:15 189:3 reminder 107:16 removes 57:17 removing 106:8 repeatedly 92:1 rephrase 87:18 168:21 report 12:15 60:17 60:25 61:15,19,22 61:24 86:1,8,10 106:23 157:1,4 158:3 reported 2:19 160:18	189:9 reporter 55:25 107:23 108:25 150:16 193:9 Reporter's 4:6 193:7 reports 153:16 158:6 represent 32:7 33:12 34:6 113:1 Representative 95:14 102:23,25 103:3,7 106:5 Representatives 4:19 96:16,23 representing 6:10 request 22:15 24:1 45:5 64:24 72:15,17 72:21,22,25 83:7 101:10,15 102:5,6 179:6 requested 62:17 84:25 85:5 89:22 149:16 requesting 111:3 requests 44:20,22 79:5 89:19 92:3,4 required 31:9 38:11 66:13 107:10 108:9 151:17 152:10 168:11 requirement 74:11 106:9 119:3 requirements 116:3 116:9 164:1 172:5 rerunning 124:4 research 22:5,7,8,11 22:13,18 23:2,6 67:4 researched 50:20 reserve 190:16 resolve 140:16 resolving 159:6 resource 18:22,23 24:3,4,8,11 32:20 32:22 38:25 44:9,10
--	--	--	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

22

55:5 63:7 128:9 144:25 145:4 resources 11:19,20 11:21 12:4 14:19 113:11,23 124:16 134:2,4,6,13,17 141:8,10 145:14 149:17,21 150:1 187:20,25 respect 187:7 respective 14:8 respond 35:24 44:3 44:11,15,20,21 79:4 97:7 100:3 131:11 138:14 151:10 responded 38:3 44:4 45:5,13 59:12 83:7 104:3 responding 42:24 85:1 responds 70:6 99:7 response 22:15 42:22 45:19 60:1 70:4 72:8 97:25 98:16 125:4 130:10,12 138:15 151:24 152:15 186:7 responsibilities 11:15 11:17 12:9 115:9 125:14 145:11 172:13 183:25 184:2,3 responsibility 108:21 108:23 115:6 117:10,14 138:8 140:11 183:12 responsible 172:4 responsive 44:23 45:1 rest 36:24 57:22 result 88:17 159:2 results 76:10 81:13 81:21 83:17 88:10 89:7 100:20 110:17	return 193:19 returned 193:20 reversed 53:8 review 103:19 reviewed 103:16 Richards 76:9 RICK 1:6 192:6 right 28:4 29:25 35:7 36:2 40:24 46:13 48:18 50:1 51:5 57:10 59:16 66:3,7 70:5 72:20 73:15 94:25 95:22 116:4 123:23 128:22 130:24 131:7 135:22,22 136:18 137:10 142:17 143:17 154:23 159:13 160:5,6 161:3,12 164:25 167:20,23 172:17 173:23 175:18 189:14,16,18 RIGHTS 3:4 risen 159:9 178:18 rises 20:10 road 11:1 role 15:15,20 16:9,10 17:24 18:11,13,16 32:11 46:15,22 102:12 113:8,10,17 113:18,22 114:1,4 114:15,17,20 117:16,17,25 118:1 123:18 126:3 132:1 132:1,2,6 133:15 169:7,8,15 171:23 178:18 room 3:4 63:8,9 72:12 round 127:7 routine 31:3 routinely 31:5 Rowe 3:12	Rules 2:21 run 14:4 26:14,18,21 27:3,12,16,23 55:24 95:14,16 149:21 186:5 running 9:8 10:13 145:15 168:17 185:24 runs 185:3 <hr/> S <hr/> S 3:1 safe 173:24 Safety 117:19 118:4 sat 43:19 165:17 satisfy 42:8 43:1 Saturday 126:15 Saturdays 116:14 143:14 147:14,17 147:19 148:7 saw 80:18,19 151:12 156:4 158:12 saying 17:18 36:23 73:23 87:11 99:13 125:2 136:11,13 160:17 161:8 163:2 179:14 says 36:24 38:10,21 39:10,16 44:6 46:10 46:10 49:18 50:19 51:25 52:23 70:25 71:1,24 72:7 74:1,5 74:8 76:19 94:13,24 95:1,2 99:1 100:14 100:14 103:10,13 104:22 106:12 116:7 130:4 135:10 135:24 136:3 144:1 146:4 152:2 167:17 SB 4:9,13,14 25:17 25:23 26:8 31:18 32:7 33:10,18,21 40:12,23 47:25 48:14 49:2 51:8,18	52:3 53:2,7,18,21 53:23 54:1,16 55:12 58:23 59:20 62:23 67:4 68:17 69:14 71:12,15 73:20 74:18 93:14,15 96:23 100:18 102:11 103:4,8 105:7,12 107:1,6,11 108:10,21 109:3,10 110:5,10 113:9 148:10 161:3,12 168:11 172:15 176:18 178:6 180:25 182:19 scenario 86:13 scheduling 17:5 school 11:5 science 10:19,25 11:3 Scott 3:8 6:21 21:5 21:19 22:9 23:8 24:9,16,23 25:6,12 26:10,20 30:17 31:4 37:8 39:1 45:7,14 51:6,23 52:4 53:9 54:7,24 55:24 56:2 56:16,20,23,25 57:6 57:9,13,15,21,25 58:3 60:11 64:10 66:22 68:12,19 69:18 70:21 71:13 74:19 77:5 79:24 80:7 81:15 82:15 84:10 85:2,16 97:14 98:3,19 99:12 100:5 100:7,12 101:17 102:3,7 103:17 105:11 107:18,24 108:14 115:14 123:17,25 129:12 132:25 137:14 140:7 142:22 144:5 144:9 148:2,12,15 148:19 149:22
---	--	--	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

23

154:9 160:25 161:4 168:12,18 176:4 177:6 186:22 190:16 sealed 56:6,11 second 10:5 11:12 35:14 37:13 42:5 50:11 67:10 94:4,6 104:14 106:7 144:1 secretary 3:13 7:17 7:20 8:10,12,14,15 8:16,20,21,24 9:15 11:9,13 12:9,11,11 12:12,20 13:15 15:16,22 16:11,24 17:2,5,6 18:16,18 20:11,18,23 21:3 22:4,14 23:5 24:2,2 24:7 26:13 28:4 29:14 31:10 33:3,12 33:15 36:4 48:13 50:15,20 52:25 53:3 54:18,20 55:1,3 59:1 62:9 64:18 67:11 70:15 71:7 73:18 83:22 91:10 93:3 100:25 101:14 103:23 106:13 107:4,10 108:9 113:12 114:24 115:23 116:21 117:9,18,25 118:4 119:4,8 124:7 126:3 127:23 134:12 140:13 146:21 147:1,22 149:16 155:7 163:10 166:17 167:4 169:23 170:10,22 172:7,10,12 178:21 179:21 180:24 187:3,10 189:17 Secretary's 24:4 section 40:12 41:6,10	41:10,10,15,16,17 41:20,23 42:8 49:21 50:19 57:2 110:10 Security 64:5,14,20 65:15 66:11,18 see 8:4,24 13:6,20 16:5 34:15,18,21,24 34:25 35:17 36:7,12 37:11 38:9 39:9,24 40:8 41:17,22,23 42:3 46:8 49:19,24 50:15,19,21 51:9,10 51:21,25 56:4,15 57:20 58:25 61:21 69:16,21 70:3,6 71:3 72:2,6 73:12 73:14 74:5 75:8 76:16 80:3 92:8 94:9,13 99:2 102:22 102:24 103:10,13 104:22 106:7,11 118:18,19 124:15 127:20,25 129:15 129:19,21,25 132:8 135:3,24 137:12 138:3 139:18 145:19 146:20 147:9 153:16,17,20 160:8,11,21 167:7,9 167:16 168:14,15 172:21 174:25 175:18,19 183:20 183:23 seeing 135:2 146:1 seek 97:2 115:24 seeking 83:16 116:2 seen 51:12 58:9 61:20 75:9,16 87:8 94:2 102:18 109:19 129:3 139:11 142:6 158:7 159:9 165:1,3 165:6 185:18 Select 4:20 96:5,11 98:24 100:10	selected 119:13 157:21 selection 15:23 self-identifying 140:5 Seminary 10:22 Senate 4:9,12 21:9,12 21:14 23:25 32:8,9 46:13,16 47:11,12 55:7 58:14,17 59:19 62:21 63:10,19 106:23 116:7 161:9 178:11 182:9,11 Senator 9:23 31:19 34:15 35:25 37:24 38:2 39:3,6,9,16,21 44:3 45:19 47:7 58:20 59:23 60:2 68:25 69:22 70:10 70:16,19 71:11,20 72:16,21 73:5 74:17 83:7 90:19 91:2 101:5 107:9 108:12 senators 24:1 33:21 45:23 74:21 send 76:20 95:13 sending 128:2 sense 29:23 31:6 57:20 125:22 128:17 136:8 186:8 sent 35:3 37:21 59:8 59:15 77:1,15 94:24 157:4 sentence 36:25 37:13 37:14 38:10,19 102:21 separate 188:7 separately 42:9 Sepehri 82:13,17,24 83:1 September 5:5 185:23 serve 8:23 24:3,4 44:9 56:11 served 8:10,17 10:15	17:15 44:10 service 148:25 149:10 168:6 serving 32:22 session 54:6,23 91:19 113:21 159:20 161:16 162:8 set 65:6 133:19 166:11 seven 48:4 174:13,19 seventh 174:11 sharable 57:25 share 15:5 20:11 23:7 26:11 27:17 109:6,7 140:3 shared 22:18,20,22 23:3 78:21 80:13 88:18 110:24 139:10,23 143:8 145:6 152:23 158:14 179:19,20 SharePoint 165:9 shares 20:7 sharing 111:2 141:22 Shorter 2:9,14 4:3 6:1,12,13 7:14 32:1 58:4 191:20,25 193:7,12 shorthand 2:19 193:9 show 166:14 showed 91:7 123:2 142:8 165:8 167:23 showing 32:1 34:3 35:11 58:6 69:7 75:4 98:10 102:14 105:22 118:10 128:23 134:22 137:11 143:17 150:20 156:21 164:23 185:14 shown 60:5 164:11 shows 175:12 side 21:12 sign 105:1,9
--	---	--	---

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

24

signature 4:5 35:6 38:3 105:13 191:1 191:21 193:18 signed 100:18 significant 158:16 signs 15:23 silver-bullet 181:17 similar 38:10 157:3 165:1,6,16 similarly 187:6 simply 36:25 65:5 sister 117:19 sit 38:4 45:10 48:7 90:6 110:3 112:7 138:19 164:16 180:4,14 189:2 site 152:4 165:9 sites 157:21 sitting 43:4 166:20 situation 87:9 109:24 133:24 six 174:13,18 size 166:15 slightly 111:5 small 136:5,6,10,12 136:15,21 168:3 smaller 161:25 snapshot 135:21 Social 64:5,13,20 65:15 66:11,18 sole 120:22 solely 78:5 127:22 145:16 solicit 14:24 somebody 57:18 81:19 117:14 155:10 179:11 190:7 somebody's 79:10 sorry 26:23 38:6 86:4 87:17 108:1,25 122:17 125:9 166:8 168:20 sort 14:23 19:4 35:14	109:20 126:25 139:18 159:13 SOS 103:11,14 106:9 150:12 163:22 166:1,18 SOS's 123:18 sound 67:12 167:20 sounds 58:2 167:23 source 148:10,17 SOUTHERN 1:1 192:1 space 11:22 Spanish 28:6 29:6,15 30:5,24 31:2,12 62:6 111:17 speak 67:20 68:17 187:8,9 speaks 51:8,24 70:22 100:13 129:13 144:10 spearheaded 76:5,7 special 56:8,25 146:23 147:4,8 specialist 93:2 specialists 93:9 specialization 186:23 specific 11:2,7,15,17 18:3 30:19 32:6 48:9,24 61:14 72:17 72:24 79:13 84:16 96:15 111:23,24 130:3 143:20 151:4 153:5 185:2 specifically 9:2,5 11:1 27:22 30:1 62:3,15 67:20 76:13 77:24 78:16 87:23 87:24,25 89:23 96:17 105:19 111:1 111:25 112:1 118:19 126:16 134:14 143:6 163:12 169:24 170:8,14,19 178:5	180:2 182:23 190:7 specifics 30:19 75:11 112:3 126:15 139:11 181:4 183:2 speculate 148:16 190:10 speculation 21:5 25:13 53:9 54:25 66:23 68:13 70:22 77:5 79:25 82:16 84:11 85:16 98:3 99:12 105:11 108:14 129:13 132:25 140:7 144:6 144:9 148:2,15,19 154:9 spelled 161:3 spike 54:9 split 115:10 sponsor 33:11,14 103:7 spread 128:18,19 staff 9:24 14:12,19,21 19:6,9 20:7,9,14 21:22 22:16 26:6,11 32:24 33:5,5 35:5 35:24 37:24 42:22 42:25 43:2,10 44:1 44:1 46:21 48:24 59:23 60:2 62:1,17 65:8 66:12 67:6 76:12 77:11,19,20 77:22 78:17,18,19 78:19,21 80:20,23 81:2,7,10 82:5 85:20,22,25 86:19 86:25 87:3,11,13,24 89:14,14,16 90:1,11 90:12 91:13,15 93:4 96:18 100:1 103:25 104:9,10 105:15 110:12 112:5 113:10,22 122:11 122:12,15,18 127:8	127:23 128:2,4,16 132:11 133:10,17 133:20 137:24 138:9,10 139:10,17 139:23,24,25 140:4 140:10,14 144:2,22 144:23 145:8,11,16 146:9,12,19 153:6 154:5,6,13,14,14,16 154:19,21 155:6 157:18,18 158:12 158:20,20,23,23 159:4 166:2,14,18 166:21,23 170:23 173:5,7,10,12,17,17 173:19 178:1,8,20 179:3,19 staff's 157:1 staffed 127:12,22 133:6 144:20 staffers 92:11 staffing 127:4,11 128:10 130:21 135:7,25 144:4,25 145:5 staffs 153:23 standing 139:1 standpoint 56:2 start 55:1 98:22 128:12 132:17 169:1 started 25:16,23 43:19 73:3 116:22 119:18 134:10 145:15 168:16,22 169:3 188:3 starting 43:19 131:20 starts 71:21 state 1:18,20 2:4,18 6:11 7:20,23 8:12 8:14,15,25 11:9,10 11:13 12:9,11,11,23 13:2 14:15 20:18,23 21:3,15 26:13 28:4
--	---	--	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

25

29:1,15 33:15 36:5 50:16,20 53:1 54:18 54:20 55:3,8 58:14 58:18,21 59:1 62:14 71:7 87:1 91:10 93:3 107:5,10 108:9 109:14 115:24 119:8,15 126:3 138:16 146:1,21 147:1 152:7 156:3 163:16 168:22 170:22 175:7,13 177:1 184:10,12,23 187:3 189:17 192:18,20 193:4,10 State's 3:13 7:18 9:15 13:15 15:16,22 18:16,18 22:4,14 23:5 31:10 33:13 48:14 53:3 55:2 62:9 64:18 67:11 70:16 73:19 101:1 101:14 103:23 106:14 113:12 114:24 116:21 117:9,18,25 118:4 119:4 124:7 127:23 134:12 140:13 147:22 149:16 163:10 166:17 167:4 169:23 170:11 172:7,10,12 178:21 179:21 180:24 187:10 stated 2:22 37:23 158:8 statement 74:4 99:10 105:2 130:3 189:6 statements 189:23 states 1:1,8 3:2 6:10 36:19 41:18,21,21 42:7 192:1,8 statewide 113:19 114:12	stating 105:3 Statistically 180:18 180:19 statistics 180:13 status 36:5 101:10 157:4 Statutorily 172:3 statutory 115:21 118:2 163:20 stay 63:11 stayed 33:25 63:13 steps 14:3 109:2 115:23 131:11 151:15 163:2 165:18,22 stop 170:11 strategy 116:16,18 151:25 Street 2:20 stretching 145:13 strike 30:4 85:12 145:14 studied 180:23 studies 10:22 182:22 study 17:22,23 107:10 108:9 182:18 183:7 stuff 183:18 subject 16:19 80:9 135:9 submission 34:21 88:22 110:9 submissions 30:6,14 37:12 submit 110:15,17 157:11 submitted 30:15 38:15 110:21,24 111:18 193:16 subpart 57:22 subparts 57:18 subsequent 92:19 subset 147:9 substance 45:22	53:22 92:21 substantive 19:5 159:25 substantively 20:5 success 14:10 182:15 successful 14:15 75:2 79:1 164:15 182:17 suffered 108:11 sufficient 149:20 187:19,25 suggest 18:24 19:3 suggested 91:3 93:7 116:20 147:23 166:18 170:11 188:14 suggestion 167:3,6 169:22 170:21 suggestions 169:16 169:18 suggests 73:13 Suite 194:10 sum 93:12 summary 76:19 supervised 46:21 supplied 64:4,19 65:23 supply 64:13 66:13 supplying 65:13 support 63:24 sure 11:18,21 12:3 13:6,6 14:14,19 16:23 17:1,2,5 19:18 20:25 30:18 46:24 62:17 64:18 74:3,10 91:11,18 104:21 107:18 110:19 113:10,18 113:22 135:3,13 139:4 145:11 150:10 151:5,21,25 162:15 168:8 177:19 178:3 183:4 surface 52:7 surname 28:7,22	29:15 30:5,24 31:2 31:12 36:8,25 37:5 59:13 60:18,25 62:6 70:7 111:17 surnames 28:11 29:2 29:6 36:22 37:1 39:7 surprise 60:20,22 77:14 84:20 sworn 2:16 6:2 193:12 system 26:8 112:16 112:17,18,22 systems 27:19 <hr/> T <hr/> table 166:20 take 14:3 33:19 34:14 35:14 40:12 41:9 48:17 49:24 50:4 70:4 73:19 78:7 86:24 88:2 93:24 104:14 106:1 129:7 131:11,15 137:14 150:25 151:14 152:14 160:8 171:24 175:14 190:2,3 taken 2:16 115:24 159:18 194:4 takes 125:25 162:6 talk 21:2 33:9 37:12 67:9 78:14 82:7,12 96:22 107:17 108:1 137:24,25 173:7 talked 7:1 29:16 59:12 72:2 75:19 83:22,23 165:23,24 165:25 talking 16:2 23:4 39:8 40:20,21,21 47:10 48:19 69:25 73:17,24 78:6 88:7 92:19 94:9 96:13,15
--	---	--	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

26

104:19,21,22 109:20 129:25 130:3 153:23 163:16,17 169:9,10 169:11 172:24 188:3 189:25 talks 39:22 70:3,10 72:6 73:12 138:4,7 145:21 tangible 113:23 target 74:8 106:15 157:15 174:22 175:6,7 targeted 106:9 task 141:12 tasking 187:12,14 tasks 150:2 Tax 129:9 teaches 175:12 TEAM 64:15,22 65:5 65:11,17,20,21 66:7 67:17 68:7 78:13 technical 18:24 19:1 19:5,7,8 20:12 66:24 67:19 158:25 159:6 tell 26:6 31:14 42:20 42:22 48:24 65:7 74:20 75:23 85:20 85:22 86:12,23 87:23 101:9 136:19 139:6 156:8,16 165:24 166:14,14 178:16 telling 61:13 77:20 80:20 88:1 102:2 190:7 tells 138:17 tend 14:20 tends 184:18 tenure 104:2 term 147:7 terminate 118:17,25 119:2	terms 9:13 13:14 15:17 20:22 23:4 49:13 66:3 70:12 92:11,12 104:12 117:4 128:9 136:13 141:2 145:5 147:4 162:12 164:12 187:17 testified 6:3 31:23 32:9,19,20 33:10 43:15,20 44:7 45:4 60:21 62:5,19 63:7 64:1 67:4 77:15 84:21 85:4 88:9 96:5,7,10,17,18,23 121:4 141:2 146:25 147:12 testifies 24:6 testify 6:2,16 23:20 23:22 24:2,8 32:14 33:4,15 34:1 62:23 63:17 96:8 testifying 33:18 62:22 testimony 6:19,20 7:9 33:22 38:25 43:16 68:18,23 72:10 80:8 98:23 123:18 149:23 168:19 193:14 Texas 1:1,11,14,18 1:20 2:4,19 3:9,13 4:19 7:9,12,24 10:20 11:16 12:23 13:9 14:15 18:19,19 25:16,23 29:1 37:15 37:17 38:5,6 48:2 79:23 94:10,21 97:8 97:25 116:2 136:20 145:24 159:3 162:8 163:16 168:10 175:13 177:2 184:11,14 190:1,6 192:1,11,14,18,20	193:4,10 194:9 thank 6:19 58:3 69:20 190:14,15 thing 39:7 63:14 75:7 121:10 things 13:18,22 18:3 20:13,19 48:4 79:11 93:11 99:19 104:12 113:24 140:14 149:1 153:17 165:24 166:10,16 181:13 182:5,23 189:22 think 12:2 16:15 21:12,14 23:24 24:20,23 25:1 29:19 36:19 37:5,9 44:11 49:9,10 52:4,6 53:3 53:5 58:19 65:12,18 66:9 67:9 68:6 72:20 80:2 82:9,10 82:23 84:7 88:15,17 89:7,23,24 90:14 92:13 93:8 95:15 108:4,23 111:4 116:22 117:16 121:23 122:4 123:4 125:1,6 126:14 131:3,3 132:22 142:9,16 146:16 147:6 153:19 164:20 166:5,9,10 167:8 169:5,16,19 172:12,16 176:25 181:2 182:5,6 186:10,19 187:6,25 188:20 189:8 thinks 70:11 third 35:15 75:13 79:21 138:4 146:20 172:19 thought 39:6,8 43:8 44:13 82:20 91:5 120:12 171:15	thousands 137:22 three 128:13 135:8 136:1 174:13,18 time 8:19 17:19 20:10 21:20 23:22 23:23 29:21 32:16 35:20 43:24 44:11 56:7 59:9 60:16 78:23 79:12 80:21 87:7,8 93:10,11 97:22 116:17 118:17,25 122:14 124:16,20 125:2,20 126:2,23 128:18 131:21 132:10 135:21 138:16 146:1,18 148:1 158:24 159:4,19 160:14 166:10,12 167:17 170:7 174:1 174:1 187:11 189:11,22 190:14 193:23 times 22:13 45:11 48:5 99:18 104:2 timing 72:7 today 6:14,17 38:4 43:4 45:10 48:7 51:13 110:4 112:7 164:12,16 180:5,14 189:2 told 66:12,16 77:24 80:15 176:20 tomorrow 73:14 top 36:2 50:13 75:14 76:16 94:24 99:21 113:14 118:22 136:18 142:5 159:10 178:15 total 160:8,11 161:22 181:4 totally 91:5 190:11 totals 181:2 track 34:19 36:5 71:4
---	--	---	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

27

tracking 142:3	181:20,22,24	179:13 182:4,11	147:2 157:15,24
tradition 180:9	tweak 158:10 160:2	184:15 185:19	163:6,13,18,24
train 133:10 166:21	tweaked 158:13	187:22	164:1,19 172:22
166:23,25	tweaks 158:19	ultimately 88:16	173:24 174:3
trained 127:9 132:24	two 40:20 46:8 67:21	135:19	185:22 188:7
133:4 147:1 166:1,2	107:3 128:1,2	un 57:23	universe 74:9
166:15,18 167:5	174:13,18 175:14	unclear 161:14	University 10:20,22
training 73:24 74:2	175:16 188:20	uncommon 153:24	unknown 119:25
133:2 166:22	TX 2:20 3:10 69:19	underlying 151:14,16	upcoming 117:21
transcript 4:11,16,20	194:11	152:9	160:7
34:7 55:22 56:18	TxDOT 156:6,6	understand 6:13 11:9	update 96:25
57:8 69:11 107:23	type 13:12,13,19	17:20,21 24:17 27:6	updated 64:3
193:13,16,21	20:14 22:7,8,11	64:17 67:22 71:2	updates 153:21,23
Transportation	27:21 64:11,23	107:19 113:3	updating 66:25
145:25	67:20 90:25 153:24	115:17 135:20	use 25:20,20 66:20
travel 128:13	160:18 161:23	166:24	122:5,8 123:15
Travis 122:11 125:1	168:2 184:1	understanding 4:24	124:1 146:7,8
125:4,16 129:9	types 48:19 164:21	13:4 17:13 22:12	150:16 157:14
130:13		23:13 97:16,18	173:3,14,22 175:9
treat 56:9	<hr/> U <hr/>	118:5,14,16,24	183:21
trial 7:9	U.S 3:3 9:23 28:12	135:23 136:1	uses 87:24 115:18
tried 25:15 140:18	42:7	147:21,25 148:3	175:5
tries 84:17	Uh-huh 15:18 16:20	187:23	usually 19:15,25 20:2
troopers 184:12	18:5,14 21:13 22:24	understood 17:19	21:16 22:2 27:24
true 27:1 191:22	34:5,17 35:2,18	74:11 80:2 139:2,3	55:7 139:6 190:2
193:14	36:3,6 39:25 40:7	171:16	
Trustworthy 189:7	40:11 41:19 42:19	uniformly 12:22	<hr/> V <hr/>
truth 6:2,3,3	43:23 50:14 58:5	unit 122:13 124:24	V 7:9
truthfully 6:17	59:4 62:8 64:2 72:5	125:10 131:24	vague 21:6,19 23:8
try 44:15 71:2 75:1,1	72:9 73:7 74:13	136:24 163:19	24:16,25 25:7 26:20
80:23 107:16	75:15,21 76:15,17	173:4,14,16,21	30:17 31:4 39:1
108:17 109:3,10	76:21,24 80:5 88:8	174:5	45:7,14 51:6 68:19
131:23 132:6 140:6	94:1,15 99:9 116:19	United 1:1,8 3:2 6:10	71:13 103:17
151:25 181:23	123:10 128:7,25	41:18,20,21 192:1,8	142:22
trying 65:3 66:20	130:6,9 132:12	units 116:11 118:6	vaguely 31:23
73:1 77:20 78:7	134:24 137:21	119:12 122:6,23	Van 34:15 35:25 39:3
79:10,14 87:3 89:17	138:6,11,13 139:13	123:5,15,21,22	39:6,9,16,21 45:20
89:20,24 91:7,8	140:23 143:25	124:2,5,8,9,14	various 27:18 104:11
109:4 117:7 144:19	145:20,22 146:6,22	126:4,8,18,21 127:1	104:11 167:13
144:21 171:17	146:24 150:22,24	127:5,12,22 128:5	VEASEY 1:3 191:2
188:17	152:5,25 156:18,22	128:10 129:11,17	192:3
turn 40:4 60:8 69:14	159:15 161:21	131:7,16,24 133:6	vendor 175:10
71:18 98:13 181:18	163:11 167:19	135:18 139:22,22	verified 42:23
turnout 180:25 181:9	172:20 173:9 175:2	142:19 144:20	verify 112:18,22

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

28

version 107:1	67:25 69:23 70:20	Washington 3:5	wee 43:21
versus 7:12 180:10	79:22 81:5 94:10	wasn't 39:2 63:18	week 72:8 125:23
182:8	99:4 106:10,16	71:16 77:21 83:11	128:13 130:4
view 117:25	108:22,24 109:1,3	84:25 89:16 90:2	146:13
visit 12:13 16:24 17:1	110:5 116:2 119:5	98:2 100:6 103:9	weekend 130:8
17:6	136:15 168:5,10	110:22 111:6	weekends 131:25
visited 119:20	177:1 181:5 183:18	112:16 121:5	weekly 153:25 154:3
visiting 77:18	192:11	125:19,20 133:1	154:10
voiced 130:23 131:5	votes 14:17	136:12 138:23,25	weeks 126:2
volunteered 10:8,10	voting 71:16 136:7	149:11 165:5	weigh 89:18
10:12	136:11,21 164:2	way 37:2,6 49:23	went 43:16,20,25
vote 25:22 74:12	172:6 180:9,11	52:10 56:23 68:7	63:9,16 67:23 74:12
105:5 179:22 180:1	188:23 189:21	80:24 81:4 150:3	88:18 96:18,23
180:6,15	VS 1:5,10,17,23 2:3	157:10 161:11	102:8 122:10
voted 71:14 74:21	191:2 192:5,10,17	162:22 173:14	127:10 131:16
121:19 178:22	192:23 193:3	176:23 180:19	133:16 185:1
voter 4:20,20 12:25		ways 130:15 169:17	weren't 43:24 48:11
13:9,14 25:19,24,24	W	we'll 56:15,18 125:12	66:13 91:5 130:8
25:25 26:14 27:12	wait 40:14,19 50:24	130:19 159:22	138:22,23,24
31:20 37:3,7 38:11	100:7 129:25	160:8	147:13
38:15 47:13 48:1,8	161:15 168:25,25	we're 23:4 45:1 55:5	West 2:20
54:5,10,13 64:5,21	waiting 103:11,13	55:21 56:19 57:4,7	whatsoever 68:2
65:16,24 66:1,4,10	139:1	57:12,15 109:4	wheel 67:11,15,16,18
66:19 67:2 68:11	walk 43:2	114:22 115:2 117:2	183:18,20
69:24 72:4,19 73:2	walked 141:17	122:11 142:8	Whew 128:22
73:24 74:2,24 87:16	want 41:1,9,14 51:20	144:13 150:3,4,5,21	Williams 69:1 71:20
87:20 89:10 96:5,6	55:20 56:4 58:1	158:16,17,17,22,24	72:16,21 73:5 74:17
96:11,12 98:24,25	67:9 71:23 93:7	159:2 162:11,18	83:7 90:19 91:2
100:11,11 111:21	118:20 119:10	163:1,13,17 169:9	101:6
112:8,12 113:2,17	125:11,12 130:17	169:11 172:4,16,16	Wilson 8:17
168:7 174:22 175:4	137:24 142:13	178:1,11 179:2	witness 2:15 3:7
175:5,8 176:6	150:15 152:6	we've 25:15 32:2	19:13 24:3,5,11
180:25 181:2,9,20	162:14 168:8	34:3 35:11 46:6	32:20,23 38:25
181:24 183:18	171:25 178:12	58:6 69:7 75:4	42:25 44:10,10 63:7
voter's 25:18 112:18	181:16	102:14 109:18	63:21 88:4 190:15
112:22	wanted 63:20,23 74:1	114:11 116:4	193:12,15,17,18
voters 1:11 12:19	74:8 87:1 119:21	134:23 142:24	witnesses 24:8
13:1,2,9 26:17 27:4	126:24 139:4 152:7	143:18 156:21	wonderful 55:25
27:23 28:2,18,19	157:10 166:13	158:7 164:20,23	wondering 20:16
31:12 36:5,8,21	wanting 104:11	176:3,7 181:3	52:1 100:2 111:5
38:14,24 39:5,23	wants 160:21	185:15	115:9 135:22 140:9
59:3,24 60:18,25	warrant 164:21	wealth 128:19	160:23 164:16
61:25 64:4,12,19	185:3,24 186:9,16	weather 181:19	180:21
65:14 66:13,17 67:1	warrants 185:21	website 123:9	word 115:2,19 116:5

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

29

144:12 177:25 work 8:3 9:3,6,18 11:23 12:8,10,12,24 17:20 18:2 19:3 55:7 81:2 83:5 87:10 91:14,15 102:9 114:11 116:10,13,15 119:22 124:19 126:23 127:9 131:22 132:2,13 134:17 140:6,16,18 141:7,9 142:16 145:12 147:1 156:15 158:11,23 159:24 172:7 178:1 178:2 187:13,15 188:18 worked 8:2,4,7 9:22 9:23 10:6,7,7,8 22:16 58:17 116:4 120:1 122:11 124:15 125:6 132:4 159:23 160:12,12 162:4,4 178:5 worker 10:15 workers 113:19 132:11 working 9:13 13:2,8 13:17 43:24 78:3 81:10,12 84:3,5 90:5 94:13,19 97:5 97:12 112:16,23 114:8 116:22,25 126:5 131:7 133:12 133:18,20 134:2,5 140:22 149:6 154:7 154:14 159:4,5 171:17 178:14,17 workload 187:16 works 12:22 13:7 19:6 21:10 22:2 58:14 131:21 158:10 172:3,6	177:17 worth 136:12 wouldn't 22:25 26:15 30:20 47:23 54:20 60:22 66:24 81:6 83:11 89:15 92:11 105:10,16 121:23 152:16 170:6 190:10 write 44:2 65:14 66:18 68:10 write-up 75:22,22 writing 52:22 88:14 written 51:3,11 66:6 89:1,9 95:11 161:12 wrong 174:16,17,19 190:11 wrote 37:21 66:17 67:1 68:10 69:23 88:25 <hr/> X X 120:17 122:13,14 XY 153:6 XYZ 120:16,16,17 159:3 <hr/> Y yeah 9:7 40:25 42:15 46:9 56:24 71:23 94:7 102:24 137:9 142:23 186:4 year 182:8,8,9 years 11:7 43:3 48:4 86:23,23 YOUNG 1:11 192:11 <hr/> Z zip 119:18 120:17 174:21 175:1 <hr/> 0 00 39:14 003998 34:10	<hr/> 1 1 4:9,20 31:25 32:2 98:5,6 99:11 156:8 1:03 150:18 1:58 188:21 1:59 188:21 10 4:11,19 34:7 39:19 88:2 98:8,11 10:59 88:5 102 4:22 105 4:23 10th 32:18 43:15,20 11 4:22 41:7,8 43:12 69:25 102:13,15 105:21 11:16 88:5 1151 194:9 118 4:24 11th 32:18 43:21 12 2:10,17 4:23 5:6 105:20,23 193:8 12/31/2014 194:10 12:47 150:18 12548 3:10 128 4:25 12th 194:6 13 4:24 118:8,11 134 5:1 137 5:2 14 4:13,14,25 25:17 25:23 26:8 46:14,16 47:11,12,25 48:14 49:3,21 51:8,18 52:3 53:2,7,18,21 53:23 54:1,16 55:12 58:23 59:20 62:21 62:23 67:4 68:17 69:14 71:12,15,21 71:22 73:21 74:18 93:14,15 96:24 100:18 102:11 103:4,8 105:7,13 106:24 107:1,6,11	108:10,21 109:3,10 110:5,10 113:9 116:7 128:21,24 148:10 161:3,9,12 168:11 172:15 176:18 178:7,11 180:25 182:9,12,19 143 5:3 14th 2:20 15 5:1 134:21,23 176:20 150 5:4,5 156 5:6 16 4:25 5:2 137:7,12 164 5:7 17 5:3 143:16,18 18 4:12 5:4 150:14 153:8 157:13 158:7 176:20 177:3 185 5:8 19 5:5 150:19,23 192 4:5 193 4:6 1989 10:20 1A 156:7,9 1B 156:7 1st 96:6 97:11,17,24 98:25 99:21,23 <hr/> 2 2 4:2,10 34:2,4 2/10/2014 5:3 2:01 2:17 2:13-CV-193 1:5 192:5 2:13-CV-263 1:11 192:11 2:13-CV-291(NGR) 1:23 192:23 2:13-CV-348(NGR) 2:3 193:3 20 4:23 5:6 156:19,21 157:14 158:7 20-plus 11:7
---	--	---	--

COBY SHORTER, III
CONFIDENTIAL TRANSCRIPT

8/12/2014

30

2006 66:14,15	31 4:9 144:2,17	6 4:4,15 50:7 55:18
2007 8:11	3244 40:18 41:4	58:7
2009 4:11,12 23:25	34 4:10	6/28/2013 5:4
31:19,22 34:8 37:2	344 194:13	60 54:6,22
38:8,13,20,22 42:11	35 4:12	600 79:21
43:8 68:3,4	362 4:9 31:18 32:8	63.0101 40:13 41:6
2010 67:12	33:10,10,18,22	41:11 42:8,13 43:9
2011 4:15,16,18,21	40:12,23	51:10,16
4:22,23 58:17,20	380 194:10	63.1010 51:17
63:25 69:11 79:7	3998 34:11 39:9,12	678 79:22
82:22 96:6 98:25	39:13	678,560 79:22
99:11 100:17,17		69 4:16
2012 111:21 112:9,13	4	
112:13,16,23,24	4 4:13 46:5,7,10 50:9	7
113:1	50:13 118:20,21	7 4:16 49:18 69:5,8
2013 4:25 5:5,6 26:19	193:25	69:21,25
27:9 185:23	4188 49:19,20	7-800,000 120:8
2014 2:10,17 124:2	4189 51:24	701 194:10
162:14 167:14,21	424 49:17,18	7254 3:4
168:16 176:20	46 4:13	75 4:17
193:8,17,20 194:6	460 69:14,15,17 71:6	78701 2:21 194:11
202 3:6	463 50:12	78711-2548 3:10
20530 3:5	463240 50:11	
209 2:20	475-3281 3:11	8
21 5:7 164:22,24	489 71:18,19	8 4:17,22 75:3,5
172:18	490 73:4,6,8	99:20 146:12
22 5:8 185:11,15	491 73:25	800 26:16,24,25 27:5
23 193:25		816 69:19
24 4:15	5	844,713 79:22
24th 59:15 60:17	5 4:14 40:18 41:2,3	8th 33:4
25 4:16,18 63:25	46:10,11 50:7,8,17	
94:16 100:17	110:10 146:13	9
126:17 173:23	175:15	9 4:18 49:17 93:20,23
254 173:24	5-ish 43:22	98:15
25th 68:16 69:11	5,000 139:1	9/18/2013 5:8
72:21 94:25 95:4,24	50 4:14	9/26/2013 5:1
26 104:17	512 3:11	9/27/2013 5:2
266 167:18 168:15	512)292-4249 194:11	9:05 2:17
27 100:17	514-0828 3:6	93 4:18
290 98:13,14,20	55 4:15	950 3:5
	590 40:6	98 4:19
	591 36:1	99 141:15
3		9th 33:4 43:20
3 4:12 35:9,12 39:11	6	
30 5:5		